

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 ARTICLE 1

5 Section 1-1. Short title. This Act may be cited as the  
6 FY2006 Budget Implementation (Finance) Act.

7 Section 1-5. Purpose. It is the purpose of this Act to  
8 make changes in State programs that are necessary to implement  
9 the Governor's FY2006 budget recommendations concerning  
10 finance.

11 ARTICLE 10

12 Section 10-5. The Department of Central Management  
13 Services Law of the Civil Administrative Code of Illinois is  
14 amended by changing Sections 405-20, 405-270, 405-293, and  
15 405-315 as follows:

16 (20 ILCS 405/405-20) (was 20 ILCS 405/35.7)

17 Sec. 405-20. Fiscal policy information to Governor;  
18 statistical research planning.

19 (a) The Department shall be responsible for providing the  
20 Governor with timely, comprehensive, and meaningful  
21 information pertinent to the formulation and execution of  
22 fiscal policy. In performing this responsibility the  
23 Department shall have the power and duty to do the following:

24 (1) Control the procurement, retention, installation,  
25 maintenance, and operation, as specified by the Director,  
26 of electronic data processing equipment used by State  
27 agencies in such a manner as to achieve maximum economy and  
28 provide adequate assistance in the development of

1 information suitable for management analysis.

2 (2) Establish principles and standards of statistical  
3 reporting by State agencies and priorities for completion  
4 of research by those agencies in accordance with the  
5 requirements for management analysis as specified by the  
6 Director.

7 (3) Establish, through the Director, charges for  
8 statistical services requested by State agencies and  
9 rendered by the Department. ~~The State agencies so charged~~  
10 ~~shall reimburse the Department by vouchers drawn against~~  
11 ~~their respective appropriations for electronic data~~  
12 ~~processing.~~ The Department is likewise empowered through  
13 the Director to establish prices or charges for all  
14 statistical reports purchased by agencies and individuals  
15 not connected with State government.

16 (4) Instruct all State agencies as the Director may  
17 require to report regularly to the Department, in the  
18 manner the Director may prescribe, their usage of  
19 electronic information devices, the cost incurred, the  
20 information produced, and the procedures followed in  
21 obtaining the information. All State agencies shall  
22 request of the Director any statistical services requiring  
23 the use of electronic devices and shall conform to the  
24 priorities assigned by the Director in using those  
25 electronic devices.

26 (5) Examine the accounts and statistical data of any  
27 organization, body, or agency receiving appropriations  
28 from the General Assembly.

29 (6) Install and operate a modern information system  
30 utilizing equipment adequate to satisfy the requirements  
31 for analysis and review as specified by the Director.  
32 Expenditures for statistical services rendered shall be  
33 reimbursed by the recipients. The reimbursement shall be  
34 determined by the Director as amounts sufficient to  
35 reimburse the Statistical Services Revolving Fund for  
36 expenditures incurred in rendering the services.

1 (b) In addition to the other powers and duties listed in  
2 this Section, the Department shall analyze the present and  
3 future aims, needs, and requirements of statistical research  
4 and planning in order to provide for the formulation of overall  
5 policy relative to the use of electronic data processing  
6 equipment by the State of Illinois. In making this analysis,  
7 the Department under the Director shall formulate a master plan  
8 for statistical research, utilizing electronic equipment most  
9 advantageously, and advising whether electronic data  
10 processing equipment should be leased or purchased by the  
11 State. The Department under the Director shall prepare and  
12 submit interim reports of meaningful developments and  
13 proposals for legislation to the Governor on or before January  
14 30 each year. The Department under the Director shall engage in  
15 a continuing analysis and evaluation of the master plan so  
16 developed, and it shall be the responsibility of the Department  
17 to recommend from time to time any needed amendments and  
18 modifications of any master plan enacted by the General  
19 Assembly.

20 (c) For the purposes of this Section, Section 405-245, and  
21 paragraph (4) of Section 405-10 only, "State agencies" means  
22 all departments, boards, commissions, and agencies of the State  
23 of Illinois subject to the Governor.

24 (Source: P.A. 91-239, eff. 1-1-00.)

25 (20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

26 Sec. 405-270. Communications ~~Telecommunications~~ services.  
27 To provide for and co-ordinate communications  
28 ~~telecommunications~~ services for State agencies and, when  
29 requested and when in the best interests of the State, for  
30 units of federal or local governments and public and  
31 not-for-profit institutions of primary, secondary, and higher  
32 education. The Department may make use of its satellite uplink  
33 available to interested parties not associated with State  
34 government provided that State government usage shall have  
35 first priority. For this purpose the Department shall have the

1 power and duty to do all of the following:

2 (1) Provide for and control the procurement,  
3 retention, installation, and maintenance of communications  
4 ~~telecommunications~~ equipment or services used by State  
5 agencies in the interest of efficiency and economy.

6 (2) Establish standards by January 1, 1989 for  
7 communications services for State agencies which shall  
8 include a minimum of one telecommunication device for the  
9 deaf installed and operational within each State agency, to  
10 provide public access to agency information for those  
11 persons who are hearing or speech impaired. The Department  
12 shall consult the Department of Human Services to develop  
13 standards and implementation for this equipment.

14 (3) Establish charges (i) for communication services  
15 for State agencies and, when requested, for units of  
16 federal or local government and public and not-for-profit  
17 institutions of primary, secondary, or higher education  
18 and (ii) for use of the Department's satellite uplink by  
19 parties not associated with State government. Entities  
20 charged for these services shall reimburse the Department  
21 ~~by vouchers drawn against their respective appropriations~~  
22 ~~for telecommunications services.~~

23 (4) Instruct all State agencies to report their usage  
24 of communication ~~telecommunication~~ services regularly to  
25 the Department in the manner the Director may prescribe.

26 (5) Analyze the present and future aims and needs of  
27 all State agencies in the area of communications  
28 ~~telecommunications~~ services and plan to serve those aims  
29 and needs in the most effective and efficient manner.

30 (6) Provide services, including, but not limited to,  
31 telecommunications, video recording, satellite uplink,  
32 public information, and other communications services.

33 (7) ~~(6)~~ Establish the administrative organization  
34 within the Department that is required to accomplish the  
35 purpose of this Section.

36 The Department is authorized to conduct a study for the

1 purpose of determining technical, engineering, and management  
2 specifications for the networking, compatible connection, or  
3 shared use of existing and future public and private owned  
4 television broadcast and reception facilities, including but  
5 not limited to terrestrial microwave, fiber optic, and  
6 satellite, for broadcast and reception of educational,  
7 governmental, and business programs, and to implement those  
8 specifications.

9 However, the Department may not control or interfere with  
10 the input of content into the telecommunications systems by the  
11 several State agencies or units of federal or local government,  
12 or public or not-for-profit institutions of primary,  
13 secondary, and higher education, or users of the Department's  
14 satellite uplink.

15 As used in this Section, the term "State agencies" means  
16 all departments, officers, commissions, boards, institutions,  
17 and bodies politic and corporate of the State except the  
18 General Assembly, legislative service agencies, and all  
19 officers of the General Assembly.

20 (Source: P.A. 91-239, eff. 1-1-00.)

21 (20 ILCS 405/405-293)

22 Sec. 405-293. Professional Services.

23 (a) The Department of Central Management Services (the  
24 "Department") is responsible for providing professional  
25 services for or on behalf of State agencies for all functions  
26 transferred to the Department by Executive Order No. 2003-10  
27 (as modified by Section 5.5 of the Executive Reorganization  
28 Implementation Act) and may, with the approval of the Governor,  
29 provide additional services to or on behalf of State agencies.  
30 To the extent not compensated by direct fund transfers, the  
31 Department shall be reimbursed from each State agency receiving  
32 the benefit of these services. The reimbursement shall be  
33 determined by the Director of Central Management Services as  
34 the amount required to reimburse the Professional Services Fund  
35 for the Department's costs of rendering the professional

1 services on behalf of that State agency.

2 (a-5) The Department of Central Management Services may  
3 provide professional services and other services as authorized  
4 by subsection (a) for or on behalf of other State entities with  
5 the approval of both the Director of Central Management  
6 Services and the appropriate official or governing body of the  
7 other State entity.

8 (b) For the purposes of this Section, "State agency" means  
9 each State agency, department, board, and commission directly  
10 responsible to the Governor. "Professional services" means  
11 legal services, internal audit services, and other services as  
12 approved by the Governor. "Other State entity" means the  
13 Illinois State Board of Education and the Illinois State Toll  
14 Highway Authority.

15 (Source: P.A. 93-839, eff. 7-30-04.)

16 (20 ILCS 405/405-315) (was 20 ILCS 405/67.24)

17 Sec. 405-315. Management of State buildings; security  
18 force; fees.

19 (a) To manage, operate, maintain, and preserve from waste  
20 the State buildings, facilities, structures, grounds, or other  
21 real property transferred to the Department under Section  
22 405-415, including, without limitation, the State buildings  
23 listed below. The Department may rent portions of these and  
24 other State buildings when in the judgment of the Director  
25 those leases or subleases will be in the best interests of the  
26 State. The leases or subleases shall not exceed 5 years unless  
27 a greater term is specifically authorized.

- 28 a. Peoria Regional Office Building  
29 5415 North University  
30 Peoria, Illinois 61614
- 31 b. Springfield Regional Office Building  
32 4500 South 6th Street  
33 Springfield, Illinois 62703
- 34 c. Champaign Regional Office Building  
35 2125 South 1st Street

- 1           Champaign, Illinois 61820
- 2           d. Illinois State Armory Building
- 3           124 East Adams
- 4           Springfield, Illinois 62706
- 5           e. Marion Regional Office Building
- 6           2209 West Main Street
- 7           Marion, Illinois 62959
- 8           f. Kenneth Hall Regional State Office
- 9           Building
- 10          #10 Collinsville Avenue
- 11          East St. Louis, Illinois 62201
- 12          g. Rockford Regional Office Building
- 13          4402 North Main Street
- 14          P.O. Box 915
- 15          Rockford, Illinois 61105
- 16          h. State of Illinois Building
- 17          160 North LaSalle
- 18          Chicago, Illinois 60601
- 19          i. Office and Laboratory Building
- 20          2121 West Taylor Street
- 21          Chicago, Illinois 60602
- 22          j. Central Computer Facility
- 23          201 West Adams
- 24          Springfield, Illinois 62706
- 25          k. Elgin Office Building
- 26          595 South State Street
- 27          Elgin, Illinois 60120
- 28          l. James R. Thompson Center
- 29          Bounded by Lake, Clark, Randolph and
- 30          LaSalle Streets
- 31          Chicago, Illinois
- 32          m. The following buildings located within the Chicago
- 33          Medical Center District:
- 34                1. Lawndale Day Care Center
- 35                2929 West 19th Street
- 36                2. Edwards Center

- 1 2020 Roosevelt Road
- 2 3. Illinois Center for
- 3 Rehabilitation and Education
- 4 1950 West Roosevelt Road and 1151 South Wood Street
- 5 4. Department of Children and
- 6 Family Services District Office
- 7 1026 South Damen
- 8 5. The William Heally School
- 9 1731 West Taylor
- 10 6. Administrative Office Building
- 11 1100 South Paulina Street
- 12 7. Metro Children and Adolescents Center
- 13 1601 West Taylor Street
- 14 n. E.J. "Zeke" Giorgi Center
- 15 200 Wyman Street
- 16 Rockford, Illinois
- 17 o. Suburban North Facility
- 18 9511 Harrison
- 19 Des Plaines, Illinois
- 20 p. The following buildings located within the Revenue
- 21 Center in Springfield:
- 22 1. State Property Control Warehouse
- 23 11th & Ash
- 24 2. Illinois State Museum Research & Collections
- 25 Center
- 26 1011 East Ash Street
- 27 q. Effingham Regional Office Building
- 28 401 Industrial Drive
- 29 Effingham, Illinois
- 30 r. The Communications Center
- 31 120 West Jefferson
- 32 Springfield, Illinois
- 33 s. Portions or all of the basement and
- 34 ground floor of the
- 35 State of Illinois Building
- 36 160 North LaSalle

1 Chicago, Illinois 60601  
2 may be leased or subleased to persons, firms, partnerships,  
3 associations, or individuals for terms not to exceed 15 years  
4 when in the judgment of the Director those leases or subleases  
5 will be in the best interests of the State.

6 Portions or all of the commercial space, which includes the  
7 sub-basement, storage mezzanine, concourse, and ground and  
8 second floors of the

9 James R. Thompson Center

10 Bounded by Lake, Clark, Randolph and LaSalle Streets

11 Chicago, Illinois

12 may be leased or subleased to persons, firms, partnerships,  
13 associations, or individuals for terms not to exceed 15 years  
14 subject to renewals when in the judgment of the Director those  
15 leases or subleases will be in the best interests of the State.

16 The Director is authorized to rent portions of the above  
17 described facilities to persons, firms, partnerships,  
18 associations, or individuals for terms not to exceed 30 days  
19 when those leases or subleases will not interfere with State  
20 usage of the facility. This authority is meant to supplement  
21 and shall not in any way be interpreted to restrict the  
22 Director's ability to make portions of the State of Illinois  
23 Building and the James R. Thompson Center available for  
24 long-term commercial leases or subleases.

25 ~~Provided however, that all rentals or fees charged to~~  
26 ~~persons, firms, partnerships, associations, or individuals for~~  
27 ~~any lease or use of space in the above described facilities~~  
28 ~~made for terms not to exceed 30 days in length shall be~~  
29 ~~deposited in a special fund in the State treasury to be known~~  
30 ~~as the Special Events Revolving Fund.~~

31 Notwithstanding the provisions above, the Department of  
32 Children and Family Services and the Department of Human  
33 Services (as successor to the Department of Rehabilitation  
34 Services and the Department of Mental Health and Developmental  
35 Disabilities) shall determine the allocation of space for  
36 direct recipient care in their respective facilities. The

1 Department of Central Management Services shall consult with  
2 the affected agency in the allocation and lease of surplus  
3 space in these facilities. Potential lease arrangements shall  
4 not endanger the direct recipient care responsibilities in  
5 these facilities.

6 (b) To appoint, subject to the Personnel Code, persons to  
7 be members of a police and security force. Members of the  
8 security force shall be peace officers when performing duties  
9 pursuant to this Section and as such shall have all of the  
10 powers possessed by policemen in cities and sheriffs, including  
11 the power to make arrests on view or issue citations for  
12 violations of State statutes or city or county ordinances,  
13 except that in counties of more than 1,000,000 population, any  
14 powers created by this subsection shall be exercised only (i)  
15 when necessary to protect the property, personnel, or interests  
16 of the Department or any State agency for whom the Department  
17 manages, operates, or maintains property or (ii) when  
18 specifically requested by appropriate State or local law  
19 enforcement officials, and except that within counties of  
20 1,000,000 or less population, these powers shall be exercised  
21 only when necessary to protect the property, personnel, or  
22 interests of the State of Illinois and only while on property  
23 managed, operated, or maintained by the Department.

24 Nothing in this subsection shall be construed so as to make  
25 it conflict with any provisions of, or rules promulgated under,  
26 the Personnel Code.

27 (c) To charge reasonable fees for the lease, rental, use,  
28 or occupancy of State facilities managed, operated, or  
29 maintained by the Department. All ~~Except as provided in~~  
30 ~~subsection (a) regarding amounts to be deposited into the~~  
31 ~~Special Events Revolving Fund, all~~ moneys collected under this  
32 Section ~~subsection~~ shall be deposited in a revolving fund in  
33 the State treasury known as the Facilities Management Revolving  
34 Fund.

35 (d) Provisions of this Section relating to the James R.  
36 Thompson Center are subject to the provisions of Section 7.4 of

1 the State Property Control Act.

2 (Source: P.A. 92-302, eff. 8-9-01; 93-19, eff. 6-20-03; 93-839,  
3 eff. 7-30-04.)

4 ARTICLE 13

5 Section 13-5. The Department of Professional Regulation  
6 Law of the Civil Administrative Code of Illinois is amended by  
7 changing Section 2105-300 as follows:

8 (20 ILCS 2105/2105-300) (was 20 ILCS 2105/61e)

9 Sec. 2105-300. Professions Indirect Cost Fund;  
10 allocations; analyses.

11 (a) Appropriations for the direct and allocable indirect  
12 costs of licensing and regulating each regulated profession,  
13 trade, ~~or~~ occupation, or industry are intended to be payable  
14 from the fees and fines that are assessed and collected from  
15 that profession, trade, ~~or~~ occupation, or industry, to the  
16 extent that those fees and fines are sufficient. In any fiscal  
17 year in which the fees and fines generated by a specific  
18 profession, trade, ~~or~~ occupation, or industry are insufficient  
19 to finance the necessary direct and allocable indirect costs of  
20 licensing and regulating that profession, trade, ~~or~~  
21 occupation, or industry, the remainder of those costs shall be  
22 financed from appropriations payable from revenue sources  
23 other than fees and fines. The direct and allocable indirect  
24 costs of the Department identified in its cost allocation plans  
25 that are not attributable to the licensing and regulation of a  
26 specific profession, trade, or occupation, or industry or group  
27 of professions, trades, ~~or~~ occupations, or industries shall be  
28 financed from appropriations from revenue sources other than  
29 fees and fines.

30 (b) The Professions Indirect Cost Fund is hereby created as  
31 a special fund in the State Treasury. The Fund may receive  
32 transfers of moneys authorized by the Department from the cash  
33 balances in special funds that receive revenues from the fees

1 and fines associated with the licensing of regulated  
2 professions, trades, ~~and~~ occupations, and industries by the  
3 Department. Moneys in the Fund shall be invested and earnings  
4 on the investments shall be retained in the Fund. Subject to  
5 appropriation, the Department shall use moneys in the Fund to  
6 pay the ordinary and necessary allocable indirect expenses  
7 associated with each of the regulated professions, trades, ~~and~~  
8 occupations, and industries.

9 (c) Before the beginning of each fiscal year, the  
10 Department shall prepare a cost allocation analysis to be used  
11 in establishing the necessary appropriation levels for each  
12 cost purpose and revenue source. At the conclusion of each  
13 fiscal year, the Department shall prepare a cost allocation  
14 analysis reflecting the extent of the variation between how the  
15 costs were actually financed in that year and the planned cost  
16 allocation for that year. Variations between the planned and  
17 actual cost allocations for the prior fiscal year shall be  
18 adjusted into the Department's planned cost allocation for the  
19 next fiscal year.

20 Each cost allocation analysis shall separately identify  
21 the direct and allocable indirect costs of each regulated  
22 profession, trade, ~~or~~ occupation, or industry and the costs of  
23 the Department's general public health and safety purposes. The  
24 analyses shall determine whether the direct and allocable  
25 indirect costs of each regulated profession, trade, ~~or~~  
26 occupation, or industry and the costs of the Department's  
27 general public health and safety purposes are sufficiently  
28 financed from their respective funding sources. The Department  
29 shall prepare the cost allocation analyses in consultation with  
30 the respective regulated professions, trades, ~~and~~ occupations, and industries  
31 and shall make copies of the analyses available  
32 to them in a timely fashion.

33 (d) The Department may direct the State Comptroller and  
34 Treasurer to transfer moneys from the special funds that  
35 receive fees and fines associated with regulated professions,  
36 trades, ~~and~~ occupations, and industries into the Professions

1 Indirect Cost Fund in accordance with the Department's cost  
2 allocation analysis plan for the applicable fiscal year. For a  
3 given fiscal year, the Department shall not direct the transfer  
4 of moneys under this subsection from a special fund associated  
5 with a specific regulated profession, trade, ~~or~~ occupation, or  
6 industry (or group of professions, trades, ~~or~~ occupations, or  
7 industries) in an amount exceeding the allocable indirect costs  
8 associated with that profession, trade, ~~or~~ occupation, or  
9 industry (or group of professions, trades, ~~or~~ occupations, or  
10 industries) as provided in the cost allocation analysis for  
11 that fiscal year and adjusted for allocation variations from  
12 the prior fiscal year. No direct costs identified in the cost  
13 allocation plan shall be used as a basis for transfers into the  
14 Professions Indirect Cost Fund or for expenditures from the  
15 Fund.

16 (Source: P.A. 91-239, eff. 1-1-00.)

17 Section 13-10. The State Finance Act is amended by changing  
18 Sections 6z-26 and 8f as follows:

19 (30 ILCS 105/6z-26)

20 Sec. 6z-26. The Financial Institution Fund. All moneys  
21 received by the Department of Financial and Professional  
22 Regulation Institutions under the Safety Deposit License Act,  
23 the Foreign Exchange License Act, the Pawnors Societies Act,  
24 the Sale of Exchange Act, the Currency Exchange Act, the Sales  
25 Finance Agency Act, the Debt Management Service Act, the  
26 Consumer Installment Loan Act, the Illinois Development Credit  
27 Corporation Act, the Title Insurance Act, and any other Act  
28 administered by the Department of Financial and Professional  
29 Regulation as the successor of the Department of Financial  
30 Institutions now or in the future (unless an Act specifically  
31 provides otherwise) shall be deposited in the Financial  
32 Institution Fund (hereinafter "Fund"), a special fund that is  
33 hereby created in the State Treasury.

34 Moneys in the Fund shall be used by the Department, subject

1 to appropriation, for expenses incurred in administering the  
2 above named and referenced Acts.

3 The Comptroller and the State Treasurer shall transfer from  
4 the General Revenue Fund to the Fund any monies received by the  
5 Department after June 30, 1993, under any of the above named  
6 and referenced Acts that have been deposited in the General  
7 Revenue Fund.

8 As soon as possible after the end of each calendar year,  
9 the Comptroller shall compare the balance in the Fund at the  
10 end of the calendar year with the amount appropriated from the  
11 Fund for the fiscal year beginning on July 1 of that calendar  
12 year. If the balance in the Fund exceeds the amount  
13 appropriated, the Comptroller and the State Treasurer shall  
14 transfer from the Fund to the General Revenue Fund an amount  
15 equal to the difference between the balance in the Fund and the  
16 amount appropriated.

17 Nothing in this Section shall be construed to prohibit  
18 appropriations from the General Revenue Fund for expenses  
19 incurred in the administration of the above named and  
20 referenced Acts.

21 Moneys in the Fund may be transferred to the Professions  
22 Indirect Cost Fund, as authorized under Section 2105-300 of the  
23 Department of Professional Regulation Law of the Civil  
24 Administrative Code of Illinois.

25 (Source: P.A. 90-545, eff. 1-1-98.)

26 (30 ILCS 105/8f)

27 Sec. 8f. Public Pension Regulation Fund. The Public Pension  
28 Regulation Fund is created in the State Treasury. Except as  
29 otherwise provided in the Illinois Pension Code, all money  
30 received by the Department of Financial and Professional  
31 Regulation, as successor to the Illinois Department of  
32 Insurance, under the Illinois Pension Code shall be paid into  
33 the Fund. Moneys in the Fund may be transferred to the  
34 Professions Indirect Cost Fund, as authorized under Section  
35 2105-300 of the Department of Professional Regulation Law of

1 the Civil Administrative Code of Illinois. The State Treasurer  
2 promptly shall invest the money in the Fund, and all earnings  
3 that accrue on the money in the Fund shall be credited to the  
4 Fund. No money may be transferred from this Fund to any other  
5 fund. The General Assembly may make appropriations from this  
6 Fund for the ordinary and contingent expenses of the Public  
7 Pension Division of the Illinois Department of Insurance.

8 (Source: P.A. 90-507, eff. 8-22-97.)

9 Section 13-15. The Illinois Banking Act is amended by  
10 changing Section 48 as follows:

11 (205 ILCS 5/48) (from Ch. 17, par. 359)

12 Sec. 48. Commissioner's powers; duties. The Commissioner  
13 shall have the powers and authority, and is charged with the  
14 duties and responsibilities designated in this Act, and a State  
15 bank shall not be subject to any other visitorial power other  
16 than as authorized by this Act, except those vested in the  
17 courts, or upon prior consultation with the Commissioner, a  
18 foreign bank regulator with an appropriate supervisory  
19 interest in the parent or affiliate of a state bank. In the  
20 performance of the Commissioner's duties:

21 (1) The Commissioner shall call for statements from all  
22 State banks as provided in Section 47 at least one time during  
23 each calendar quarter.

24 (2) (a) The Commissioner, as often as the Commissioner  
25 shall deem necessary or proper, and no less frequently than 18  
26 months following the preceding examination, shall appoint a  
27 suitable person or persons to make an examination of the  
28 affairs of every State bank, except that for every eligible  
29 State bank, as defined by regulation, the Commissioner in lieu  
30 of the examination may accept on an alternating basis the  
31 examination made by the eligible State bank's appropriate  
32 federal banking agency pursuant to Section 111 of the Federal  
33 Deposit Insurance Corporation Improvement Act of 1991,  
34 provided the appropriate federal banking agency has made such

1 an examination. A person so appointed shall not be a  
2 stockholder or officer or employee of any bank which that  
3 person may be directed to examine, and shall have powers to  
4 make a thorough examination into all the affairs of the bank  
5 and in so doing to examine any of the officers or agents or  
6 employees thereof on oath and shall make a full and detailed  
7 report of the condition of the bank to the Commissioner. In  
8 making the examination the examiners shall include an  
9 examination of the affairs of all the affiliates of the bank,  
10 as defined in subsection (b) of Section 35.2 of this Act, or  
11 subsidiaries of the bank as shall be necessary to disclose  
12 fully the conditions of the subsidiaries or affiliates, the  
13 relations between the bank and the subsidiaries or affiliates  
14 and the effect of those relations upon the affairs of the bank,  
15 and in connection therewith shall have power to examine any of  
16 the officers, directors, agents, or employees of the  
17 subsidiaries or affiliates on oath. After May 31, 1997, the  
18 Commissioner may enter into cooperative agreements with state  
19 regulatory authorities of other states to provide for  
20 examination of State bank branches in those states, and the  
21 Commissioner may accept reports of examinations of State bank  
22 branches from those state regulatory authorities. These  
23 cooperative agreements may set forth the manner in which the  
24 other state regulatory authorities may be compensated for  
25 examinations prepared for and submitted to the Commissioner.

26 (b) After May 31, 1997, the Commissioner is authorized to  
27 examine, as often as the Commissioner shall deem necessary or  
28 proper, branches of out-of-state banks. The Commissioner may  
29 establish and may assess fees to be paid to the Commissioner  
30 for examinations under this subsection (b). The fees shall be  
31 borne by the out-of-state bank, unless the fees are borne by  
32 the state regulatory authority that chartered the out-of-state  
33 bank, as determined by a cooperative agreement between the  
34 Commissioner and the state regulatory authority that chartered  
35 the out-of-state bank.

36 (2.5) Whenever any State bank, any subsidiary or affiliate

1 of a State bank, or after May 31, 1997, any branch of an  
2 out-of-state bank causes to be performed, by contract or  
3 otherwise, any bank services for itself, whether on or off its  
4 premises:

5 (a) that performance shall be subject to examination by  
6 the Commissioner to the same extent as if services were  
7 being performed by the bank or, after May 31, 1997, branch  
8 of the out-of-state bank itself on its own premises; and

9 (b) the bank or, after May 31, 1997, branch of the  
10 out-of-state bank shall notify the Commissioner of the  
11 existence of a service relationship. The notification  
12 shall be submitted with the first statement of condition  
13 (as required by Section 47 of this Act) due after the  
14 making of the service contract or the performance of the  
15 service, whichever occurs first. The Commissioner shall be  
16 notified of each subsequent contract in the same manner.

17 For purposes of this subsection (2.5), the term "bank  
18 services" means services such as sorting and posting of checks  
19 and deposits, computation and posting of interest and other  
20 credits and charges, preparation and mailing of checks,  
21 statements, notices, and similar items, or any other clerical,  
22 bookkeeping, accounting, statistical, or similar functions  
23 performed for a State bank, including but not limited to  
24 electronic data processing related to those bank services.

25 (3) The expense of administering this Act, including the  
26 expense of the examinations of State banks as provided in this  
27 Act, shall to the extent of the amounts resulting from the fees  
28 provided for in paragraphs (a), (a-2), and (b) of this  
29 subsection (3) be assessed against and borne by the State  
30 banks:

31 (a) Each bank shall pay to the Commissioner a Call  
32 Report Fee which shall be paid in quarterly installments  
33 equal to one-fourth of the sum of the annual fixed fee of  
34 \$800, plus a variable fee based on the assets shown on the  
35 quarterly statement of condition delivered to the  
36 Commissioner in accordance with Section 47 for the

1 preceding quarter according to the following schedule: 16¢  
2 per \$1,000 of the first \$5,000,000 of total assets, 15¢ per  
3 \$1,000 of the next \$20,000,000 of total assets, 13¢ per  
4 \$1,000 of the next \$75,000,000 of total assets, 9¢ per  
5 \$1,000 of the next \$400,000,000 of total assets, 7¢ per  
6 \$1,000 of the next \$500,000,000 of total assets, and 5¢ per  
7 \$1,000 of all assets in excess of \$1,000,000,000, of the  
8 State bank. The Call Report Fee shall be calculated by the  
9 Commissioner and billed to the banks for remittance at the  
10 time of the quarterly statements of condition provided for  
11 in Section 47. The Commissioner may require payment of the  
12 fees provided in this Section by an electronic transfer of  
13 funds or an automatic debit of an account of each of the  
14 State banks. In case more than one examination of any bank  
15 is deemed by the Commissioner to be necessary in any  
16 examination frequency cycle specified in subsection 2(a)  
17 of this Section, and is performed at his direction, the  
18 Commissioner may assess a reasonable additional fee to  
19 recover the cost of the additional examination; provided,  
20 however, that an examination conducted at the request of  
21 the State Treasurer pursuant to the Uniform Disposition of  
22 Unclaimed Property Act shall not be deemed to be an  
23 additional examination under this Section. In lieu of the  
24 method and amounts set forth in this paragraph (a) for the  
25 calculation of the Call Report Fee, the Commissioner may  
26 specify by rule that the Call Report Fees provided by this  
27 Section may be assessed semiannually or some other period  
28 and may provide in the rule the formula to be used for  
29 calculating and assessing the periodic Call Report Fees to  
30 be paid by State banks.

31 (a-1) If in the opinion of the Commissioner an  
32 emergency exists or appears likely, the Commissioner may  
33 assign an examiner or examiners to monitor the affairs of a  
34 State bank with whatever frequency he deems appropriate,  
35 including but not limited to a daily basis. The reasonable  
36 and necessary expenses of the Commissioner during the

1 period of the monitoring shall be borne by the subject  
2 bank. The Commissioner shall furnish the State bank a  
3 statement of time and expenses if requested to do so within  
4 30 days of the conclusion of the monitoring period.

5 (a-2) On and after January 1, 1990, the reasonable and  
6 necessary expenses of the Commissioner during examination  
7 of the performance of electronic data processing services  
8 under subsection (2.5) shall be borne by the banks for  
9 which the services are provided. An amount, based upon a  
10 fee structure prescribed by the Commissioner, shall be paid  
11 by the banks or, after May 31, 1997, branches of  
12 out-of-state banks receiving the electronic data  
13 processing services along with the Call Report Fee assessed  
14 under paragraph (a) of this subsection (3).

15 (a-3) After May 31, 1997, the reasonable and necessary  
16 expenses of the Commissioner during examination of the  
17 performance of electronic data processing services under  
18 subsection (2.5) at or on behalf of branches of  
19 out-of-state banks shall be borne by the out-of-state  
20 banks, unless those expenses are borne by the state  
21 regulatory authorities that chartered the out-of-state  
22 banks, as determined by cooperative agreements between the  
23 Commissioner and the state regulatory authorities that  
24 chartered the out-of-state banks.

25 (b) "Fiscal year" for purposes of this Section 48 is  
26 defined as a period beginning July 1 of any year and ending  
27 June 30 of the next year. The Commissioner shall receive  
28 for each fiscal year, commencing with the fiscal year  
29 ending June 30, 1987, a contingent fee equal to the lesser  
30 of the aggregate of the fees paid by all State banks under  
31 paragraph (a) of subsection (3) for that year, or the  
32 amount, if any, whereby the aggregate of the administration  
33 expenses, as defined in paragraph (c), for that fiscal year  
34 exceeds the sum of the aggregate of the fees payable by all  
35 State banks for that year under paragraph (a) of subsection  
36 (3), plus any amounts transferred into the Bank and Trust

1 Company Fund from the State Pensions Fund for that year,  
2 plus all other amounts collected by the Commissioner for  
3 that year under any other provision of this Act, plus the  
4 aggregate of all fees collected for that year by the  
5 Commissioner under the Corporate Fiduciary Act, excluding  
6 the receivership fees provided for in Section 5-10 of the  
7 Corporate Fiduciary Act, and the Foreign Banking Office  
8 Act. The aggregate amount of the contingent fee thus  
9 arrived at for any fiscal year shall be apportioned  
10 amongst, assessed upon, and paid by the State banks and  
11 foreign banking corporations, respectively, in the same  
12 proportion that the fee of each under paragraph (a) of  
13 subsection (3), respectively, for that year bears to the  
14 aggregate for that year of the fees collected under  
15 paragraph (a) of subsection (3). The aggregate amount of  
16 the contingent fee, and the portion thereof to be assessed  
17 upon each State bank and foreign banking corporation,  
18 respectively, shall be determined by the Commissioner and  
19 shall be paid by each, respectively, within 120 days of the  
20 close of the period for which the contingent fee is  
21 computed and is payable, and the Commissioner shall give 20  
22 days advance notice of the amount of the contingent fee  
23 payable by the State bank and of the date fixed by the  
24 Commissioner for payment of the fee.

25 (c) The "administration expenses" for any fiscal year  
26 shall mean the ordinary and contingent expenses for that  
27 year incident to making the examinations provided for by,  
28 and for otherwise administering, this Act, the Corporate  
29 Fiduciary Act, excluding the expenses paid from the  
30 Corporate Fiduciary Receivership account in the Bank and  
31 Trust Company Fund, the Foreign Banking Office Act, the  
32 Electronic Fund Transfer Act, and the Illinois Bank  
33 Examiners' Education Foundation Act, including all  
34 salaries and other compensation paid for personal services  
35 rendered for the State by officers or employees of the  
36 State, including the Commissioner and the Deputy

1 Commissioners, all expenditures for telephone and  
2 telegraph charges, postage and postal charges, office  
3 stationery, supplies and services, and office furniture  
4 and equipment, including typewriters and copying and  
5 duplicating machines and filing equipment, surety bond  
6 premiums, and travel expenses of those officers and  
7 employees, employees, expenditures or charges for the  
8 acquisition, enlargement or improvement of, or for the use  
9 of, any office space, building, or structure, or  
10 expenditures for the maintenance thereof or for furnishing  
11 heat, light, or power with respect thereto, all to the  
12 extent that those expenditures are directly incidental to  
13 such examinations or administration. The Commissioner  
14 shall not be required by paragraphs (c) or (d-1) of this  
15 subsection (3) to maintain in any fiscal year's budget  
16 appropriated reserves for accrued vacation and accrued  
17 sick leave that is required to be paid to employees of the  
18 Commissioner upon termination of their service with the  
19 Commissioner in an amount that is more than is reasonably  
20 anticipated to be necessary for any anticipated turnover in  
21 employees, whether due to normal attrition or due to  
22 layoffs, terminations, or resignations.

23 (d) The aggregate of all fees collected by the  
24 Commissioner under this Act, the Corporate Fiduciary Act,  
25 or the Foreign Banking Office Act on and after July 1,  
26 1979, shall be paid promptly after receipt of the same,  
27 accompanied by a detailed statement thereof, into the State  
28 treasury and shall be set apart in a special fund to be  
29 known as the "Bank and Trust Company Fund", except as  
30 provided in paragraph (c) of subsection (11) of this  
31 Section. All earnings received from investments of funds in  
32 the Bank and Trust Company Fund shall be deposited in the  
33 Bank and Trust Company Fund and may be used for the same  
34 purposes as fees deposited in that Fund. The amount from  
35 time to time deposited into the Bank and Trust Company Fund  
36 shall be used to offset the ordinary administrative

1 expenses of the Commissioner of Banks and Real Estate as  
2 defined in this Section. Nothing in this amendatory Act of  
3 1979 shall prevent continuing the practice of paying  
4 expenses involving salaries, retirement, social security,  
5 and State-paid insurance premiums of State officers by  
6 appropriations from the General Revenue Fund. However, the  
7 General Revenue Fund shall be reimbursed for those payments  
8 made on and after July 1, 1979, by an annual transfer of  
9 funds from the Bank and Trust Company Fund. Moneys in the  
10 Bank and Trust Company Fund may be transferred to the  
11 Professions Indirect Cost Fund, as authorized under  
12 Section 2105-300 of the Department of Professional  
13 Regulation Law of the Civil Administrative Code of  
14 Illinois.

15 (d-1) Adequate funds shall be available in the Bank and  
16 Trust Company Fund to permit the timely payment of  
17 administration expenses. In each fiscal year the total  
18 administration expenses shall be deducted from the total  
19 fees collected by the Commissioner and the remainder  
20 transferred into the Cash Flow Reserve Account, unless the  
21 balance of the Cash Flow Reserve Account prior to the  
22 transfer equals or exceeds one-fourth of the total initial  
23 appropriations from the Bank and Trust Company Fund for the  
24 subsequent year, in which case the remainder shall be  
25 credited to State banks and foreign banking corporations  
26 and applied against their fees for the subsequent year. The  
27 amount credited to each State bank and foreign banking  
28 corporation shall be in the same proportion as the Call  
29 Report Fees paid by each for the year bear to the total  
30 Call Report Fees collected for the year. If, after a  
31 transfer to the Cash Flow Reserve Account is made or if no  
32 remainder is available for transfer, the balance of the  
33 Cash Flow Reserve Account is less than one-fourth of the  
34 total initial appropriations for the subsequent year and  
35 the amount transferred is less than 5% of the total Call  
36 Report Fees for the year, additional amounts needed to make

1 the transfer equal to 5% of the total Call Report Fees for  
2 the year shall be apportioned amongst, assessed upon, and  
3 paid by the State banks and foreign banking corporations in  
4 the same proportion that the Call Report Fees of each,  
5 respectively, for the year bear to the total Call Report  
6 Fees collected for the year. The additional amounts  
7 assessed shall be transferred into the Cash Flow Reserve  
8 Account. For purposes of this paragraph (d-1), the  
9 calculation of the fees collected by the Commissioner shall  
10 exclude the receivership fees provided for in Section 5-10  
11 of the Corporate Fiduciary Act.

12 (e) The Commissioner may upon request certify to any  
13 public record in his keeping and shall have authority to  
14 levy a reasonable charge for issuing certifications of any  
15 public record in his keeping.

16 (f) In addition to fees authorized elsewhere in this  
17 Act, the Commissioner may, in connection with a review,  
18 approval, or provision of a service, levy a reasonable  
19 charge to recover the cost of the review, approval, or  
20 service.

21 (4) Nothing contained in this Act shall be construed to  
22 limit the obligation relative to examinations and reports of  
23 any State bank, deposits in which are to any extent insured by  
24 the United States or any agency thereof, nor to limit in any  
25 way the powers of the Commissioner with reference to  
26 examinations and reports of that bank.

27 (5) The nature and condition of the assets in or investment  
28 of any bonus, pension, or profit sharing plan for officers or  
29 employees of every State bank or, after May 31, 1997, branch of  
30 an out-of-state bank shall be deemed to be included in the  
31 affairs of that State bank or branch of an out-of-state bank  
32 subject to examination by the Commissioner under the provisions  
33 of subsection (2) of this Section, and if the Commissioner  
34 shall find from an examination that the condition of or  
35 operation of the investments or assets of the plan is unlawful,  
36 fraudulent, or unsafe, or that any trustee has abused his

1 trust, the Commissioner shall, if the situation so found by the  
2 Commissioner shall not be corrected to his satisfaction within  
3 60 days after the Commissioner has given notice to the board of  
4 directors of the State bank or out-of-state bank of his  
5 findings, report the facts to the Attorney General who shall  
6 thereupon institute proceedings against the State bank or  
7 out-of-state bank, the board of directors thereof, or the  
8 trustees under such plan as the nature of the case may require.

9 (6) The Commissioner shall have the power:

10 (a) To promulgate reasonable rules for the purpose of  
11 administering the provisions of this Act.

12 (a-5) To impose conditions on any approval issued by  
13 the Commissioner if he determines that the conditions are  
14 necessary or appropriate. These conditions shall be  
15 imposed in writing and shall continue in effect for the  
16 period prescribed by the Commissioner.

17 (b) To issue orders against any person, if the  
18 Commissioner has reasonable cause to believe that an unsafe  
19 or unsound banking practice has occurred, is occurring, or  
20 is about to occur, if any person has violated, is  
21 violating, or is about to violate any law, rule, or written  
22 agreement with the Commissioner, or for the purpose of  
23 administering the provisions of this Act and any rule  
24 promulgated in accordance with this Act.

25 (b-1) To enter into agreements with a bank establishing  
26 a program to correct the condition of the bank or its  
27 practices.

28 (c) To appoint hearing officers to execute any of the  
29 powers granted to the Commissioner under this Section for  
30 the purpose of administering this Act and any rule  
31 promulgated in accordance with this Act and otherwise to  
32 authorize, in writing, an officer or employee of the Office  
33 of Banks and Real Estate to exercise his powers under this  
34 Act.

35 (d) To subpoena witnesses, to compel their attendance,  
36 to administer an oath, to examine any person under oath,

1 and to require the production of any relevant books,  
2 papers, accounts, and documents in the course of and  
3 pursuant to any investigation being conducted, or any  
4 action being taken, by the Commissioner in respect of any  
5 matter relating to the duties imposed upon, or the powers  
6 vested in, the Commissioner under the provisions of this  
7 Act or any rule promulgated in accordance with this Act.

8 (e) To conduct hearings.

9 (7) Whenever, in the opinion of the Commissioner, any  
10 director, officer, employee, or agent of a State bank or any  
11 subsidiary or bank holding company of the bank or, after May  
12 31, 1997, of any branch of an out-of-state bank or any  
13 subsidiary or bank holding company of the bank shall have  
14 violated any law, rule, or order relating to that bank or any  
15 subsidiary or bank holding company of the bank, shall have  
16 obstructed or impeded any examination or investigation by the  
17 Commissioner, shall have engaged in an unsafe or unsound  
18 practice in conducting the business of that bank or any  
19 subsidiary or bank holding company of the bank, or shall have  
20 violated any law or engaged or participated in any unsafe or  
21 unsound practice in connection with any financial institution  
22 or other business entity such that the character and fitness of  
23 the director, officer, employee, or agent does not assure  
24 reasonable promise of safe and sound operation of the State  
25 bank, the Commissioner may issue an order of removal. If, in  
26 the opinion of the Commissioner, any former director, officer,  
27 employee, or agent of a State bank or any subsidiary or bank  
28 holding company of the bank, prior to the termination of his or  
29 her service with that bank or any subsidiary or bank holding  
30 company of the bank, violated any law, rule, or order relating  
31 to that State bank or any subsidiary or bank holding company of  
32 the bank, obstructed or impeded any examination or  
33 investigation by the Commissioner, engaged in an unsafe or  
34 unsound practice in conducting the business of that bank or any  
35 subsidiary or bank holding company of the bank, or violated any  
36 law or engaged or participated in any unsafe or unsound

1 practice in connection with any financial institution or other  
2 business entity such that the character and fitness of the  
3 director, officer, employee, or agent would not have assured  
4 reasonable promise of safe and sound operation of the State  
5 bank, the Commissioner may issue an order prohibiting that  
6 person from further service with a bank or any subsidiary or  
7 bank holding company of the bank as a director, officer,  
8 employee, or agent. An order issued pursuant to this subsection  
9 shall be served upon the director, officer, employee, or agent.  
10 A copy of the order shall be sent to each director of the bank  
11 affected by registered mail. The person affected by the action  
12 may request a hearing before the State Banking Board within 10  
13 days after receipt of the order. The hearing shall be held by  
14 the Board within 30 days after the request has been received by  
15 the Board. The Board shall make a determination approving,  
16 modifying, or disapproving the order of the Commissioner as its  
17 final administrative decision. If a hearing is held by the  
18 Board, the Board shall make its determination within 60 days  
19 from the conclusion of the hearing. Any person affected by a  
20 decision of the Board under this subsection (7) of Section 48  
21 of this Act may have the decision reviewed only under and in  
22 accordance with the Administrative Review Law and the rules  
23 adopted pursuant thereto. A copy of the order shall also be  
24 served upon the bank of which he is a director, officer,  
25 employee, or agent, whereupon he shall cease to be a director,  
26 officer, employee, or agent of that bank. The Commissioner may  
27 institute a civil action against the director, officer, or  
28 agent of the State bank or, after May 31, 1997, of the branch  
29 of the out-of-state bank against whom any order provided for by  
30 this subsection (7) of this Section 48 has been issued, and  
31 against the State bank or, after May 31, 1997, out-of-state  
32 bank, to enforce compliance with or to enjoin any violation of  
33 the terms of the order. Any person who has been the subject of  
34 an order of removal or an order of prohibition issued by the  
35 Commissioner under this subsection or Section 5-6 of the  
36 Corporate Fiduciary Act may not thereafter serve as director,

1 officer, employee, or agent of any State bank or of any branch  
2 of any out-of-state bank, or of any corporate fiduciary, as  
3 defined in Section 1-5.05 of the Corporate Fiduciary Act, or of  
4 any other entity that is subject to licensure or regulation by  
5 the Commissioner or the Office of Banks and Real Estate unless  
6 the Commissioner has granted prior approval in writing.

7 For purposes of this paragraph (7), "bank holding company"  
8 has the meaning prescribed in Section 2 of the Illinois Bank  
9 Holding Company Act of 1957.

10 (8) The Commissioner may impose civil penalties of up to  
11 \$10,000 against any person for each violation of any provision  
12 of this Act, any rule promulgated in accordance with this Act,  
13 any order of the Commissioner, or any other action which in the  
14 Commissioner's discretion is an unsafe or unsound banking  
15 practice.

16 (9) The Commissioner may impose civil penalties of up to  
17 \$100 against any person for the first failure to comply with  
18 reporting requirements set forth in the report of examination  
19 of the bank and up to \$200 for the second and subsequent  
20 failures to comply with those reporting requirements.

21 (10) All final administrative decisions of the  
22 Commissioner hereunder shall be subject to judicial review  
23 pursuant to the provisions of the Administrative Review Law.  
24 For matters involving administrative review, venue shall be in  
25 either Sangamon County or Cook County.

26 (11) The endowment fund for the Illinois Bank Examiners'  
27 Education Foundation shall be administered as follows:

28 (a) (Blank).

29 (b) The Foundation is empowered to receive voluntary  
30 contributions, gifts, grants, bequests, and donations on  
31 behalf of the Illinois Bank Examiners' Education  
32 Foundation from national banks and other persons for the  
33 purpose of funding the endowment of the Illinois Bank  
34 Examiners' Education Foundation.

35 (c) The aggregate of all special educational fees  
36 collected by the Commissioner and property received by the

1 Commissioner on behalf of the Illinois Bank Examiners'  
2 Education Foundation under this subsection (11) on or after  
3 June 30, 1986, shall be either (i) promptly paid after  
4 receipt of the same, accompanied by a detailed statement  
5 thereof, into the State Treasury and shall be set apart in  
6 a special fund to be known as "The Illinois Bank Examiners'  
7 Education Fund" to be invested by either the Treasurer of  
8 the State of Illinois in the Public Treasurers' Investment  
9 Pool or in any other investment he is authorized to make or  
10 by the Illinois State Board of Investment as the board of  
11 trustees of the Illinois Bank Examiners' Education  
12 Foundation may direct or (ii) deposited into an account  
13 maintained in a commercial bank or corporate fiduciary in  
14 the name of the Illinois Bank Examiners' Education  
15 Foundation pursuant to the order and direction of the Board  
16 of Trustees of the Illinois Bank Examiners' Education  
17 Foundation.

18 (12) (Blank).

19 (Source: P.A. 91-16, eff. 7-1-99; 92-20, eff. 7-1-01; 92-483,  
20 eff. 8-23-01; 92-651, eff. 7-11-02.)

21 Section 13-20. The Illinois Savings and Loan Act of 1985 is  
22 amended by changing Section 7-19.1 as follows:

23 (205 ILCS 105/7-19.1) (from Ch. 17, par. 3307-19.1)

24 Sec. 7-19.1. Savings and Residential Finance Regulatory  
25 Fund.

26 (a) The aggregate of all fees collected by the Commissioner  
27 under this Act shall be paid promptly after receipt of the  
28 same, accompanied by a detailed statement thereof, into the  
29 State treasury and shall be set apart in the Savings and  
30 Residential Finance Regulatory Fund, a special fund hereby  
31 created in the State treasury. The amounts deposited into the  
32 Fund shall be used for the ordinary and contingent expenses of  
33 the Office of Banks and Real Estate. Nothing in this Act shall  
34 prevent continuing the practice of paying expenses involving

1 salaries, retirement, social security, and State-paid  
2 insurance of State officers by appropriation from the General  
3 Revenue Fund.

4 (b) Except as otherwise provided in subsection (b-5),  
5 moneys ~~Moneys~~ in the Savings and Residential Finance Regulatory  
6 Fund may not be appropriated, assigned, or transferred to  
7 another State fund. The moneys in the Fund shall be for the  
8 sole benefit of the institutions assessed.

9 (b-5) Moneys in the Savings and Residential Finance  
10 Regulatory Fund may be transferred to the Professions Indirect  
11 Cost Fund, as authorized under Section 2105-300 of the  
12 Department of Professional Regulation Law of the Civil  
13 Administrative Code of Illinois.

14 (c) All earnings received from investments of funds in the  
15 Savings and Residential Finance Regulatory Fund shall be  
16 deposited into the Savings and Residential Finance Regulatory  
17 Fund and may be used for the same purposes as fees deposited  
18 into that Fund.

19 (Source: P.A. 92-700, eff. 7-19-02.)

20 Section 13-25. The Illinois Credit Union Act is amended by  
21 changing Section 12 as follows:

22 (205 ILCS 305/12) (from Ch. 17, par. 4413)  
23 Sec. 12. Regulatory fees.

24 (1) A credit union regulated by the Department shall pay a  
25 regulatory fee to the Department based upon its total assets as  
26 shown by its Year-end Call Report at the following rates:

TOTAL ASSETS	REGULATORY FEE
\$25,000 or less .....	\$100
Over \$25,000 and not over	
\$100,000 .....	\$100 plus \$4 per
	\$1,000 of assets in excess of
	\$25,000
Over \$100,000 and not over	
\$200,000 .....	\$400 plus \$3 per

1		\$1,000 of assets in excess of
2		\$100,000
3	Over \$200,000 and not over	
4	\$500,000 .....	\$700 plus \$2 per
5		\$1,000 of assets in excess of
6		\$200,000
7	Over \$500,000 and not over	
8	\$1,000,000 .....	\$1,300 plus \$1.40
9		per \$1,000 of assets in excess
10		of \$500,000
11	Over \$1,000,000 and not	
12	over \$5,000,000 .....	\$2,000 plus \$0.50
13		per \$1,000 of assets in
14		excess of \$1,000,000
15	Over \$5,000,000 and not	
16	over \$30,000,000 .....	\$5,080 plus \$0.44
17		per \$1,000 assets
18		in excess of \$5,000,000
19	Over \$30,000,000 and not	
20	over \$100,000,000 .....	\$16,192 plus \$0.38
21		per \$1,000 of assets in
22		excess of \$30,000,000
23	Over \$100,000,000 and not	
24	over \$500,000,000 .....	\$42,862 plus \$0.19
25		per \$1,000 of assets in
26		excess of \$100,000,000
27	Over \$500,000,000 .....	\$140,625 plus \$0.075
28		per \$1,000 of assets in
29		excess of \$500,000,000

30 (2) The Director shall review the regulatory fee schedule  
31 in subsection (1) and the projected earnings on those fees on  
32 an annual basis and adjust the fee schedule no more than 5%  
33 annually if necessary to defray the estimated administrative  
34 and operational expenses of the Department as defined in  
35 subsection (5). The Director shall provide credit unions with  
36 written notice of any adjustment made in the regulatory fee

1 schedule.

2 (3) Not later than March 1 of each calendar year, a credit  
3 union shall pay to the Department a regulatory fee for that  
4 calendar year in accordance with the regulatory fee schedule in  
5 subsection (1), on the basis of assets as of the Year-end Call  
6 Report of the preceding year. The regulatory fee shall not be  
7 less than \$100 or more than \$187,500, provided that the  
8 regulatory fee cap of \$187,500 shall be adjusted to incorporate  
9 the same percentage increase as the Director makes in the  
10 regulatory fee schedule from time to time under subsection (2).  
11 No regulatory fee shall be collected from a credit union until  
12 it has been in operation for one year.

13 (4) The aggregate of all fees collected by the Department  
14 under this Act shall be paid promptly after they are received,  
15 accompanied by a detailed statement thereof, into the State  
16 Treasury and shall be set apart in the Credit Union Fund, a  
17 special fund hereby created in the State treasury. The amount  
18 from time to time deposited in the Credit Union Fund and shall  
19 be used to offset the ordinary administrative and operational  
20 expenses of the Department under this Act. All earnings  
21 received from investments of funds in the Credit Union Fund  
22 shall be deposited into the Credit Union Fund and may be used  
23 for the same purposes as fees deposited into that Fund. Moneys  
24 in the Credit Union Fund may be transferred to the Professions  
25 Indirect Cost Fund, as authorized under Section 2105-300 of the  
26 Department of Professional Regulation Law of the Civil  
27 Administrative Code of Illinois.

28 (5) The administrative and operational expenses for any  
29 calendar year shall mean the ordinary and contingent expenses  
30 for that year incidental to making the examinations provided  
31 for by, and for administering, this Act, including all salaries  
32 and other compensation paid for personal services rendered for  
33 the State by officers or employees of the State to enforce this  
34 Act; all expenditures for telephone and telegraph charges,  
35 postage and postal charges, office supplies and services,  
36 furniture and equipment, office space and maintenance thereof,

1 travel expenses and other necessary expenses; all to the extent  
2 that such expenditures are directly incidental to such  
3 examination or administration.

4 (6) When the aggregate of all fees collected by the  
5 Department under this Act and all earnings thereon for any  
6 calendar year exceeds 150% of the total administrative and  
7 operational expenses under this Act for that year, such excess  
8 shall be credited to credit unions and applied against their  
9 regulatory fees for the subsequent year. The amount credited to  
10 a credit union shall be in the same proportion as the fee paid  
11 by such credit union for the calendar year in which the excess  
12 is produced bears to the aggregate of the fees collected by the  
13 Department under this Act for the same year.

14 (7) Examination fees for the year 2000 statutory  
15 examinations paid pursuant to the examination fee schedule in  
16 effect at that time shall be credited toward the regulatory fee  
17 to be assessed the credit union in calendar year 2001.

18 (8) Nothing in this Act shall prohibit the General Assembly  
19 from appropriating funds to the Department from the General  
20 Revenue Fund for the purpose of administering this Act.

21 (Source: P.A. 92-293, eff. 8-9-01; 93-32, eff. 7-1-03; 93-652,  
22 eff. 1-8-04.)

23 Section 13-30. The Pawnbroker Regulation Act is amended by  
24 changing Section 0.05 as follows:

25 (205 ILCS 510/0.05)

26 Sec. 0.05. Administration of Act.

27 (a) This Act shall be administered by the Commissioner of  
28 Banks and Real Estate who shall have all of the following  
29 powers and duties in administering this Act:

30 (1) To promulgate reasonable rules for the purpose of  
31 administering the provisions of this Act.

32 (2) To issue orders for the purpose of administering  
33 the provisions of this Act and any rule promulgated in  
34 accordance with this Act.

1           (3) To appoint hearing officers and to hire employees  
2 or to contract with appropriate persons to execute any of  
3 the powers granted to the Commissioner under this Section  
4 for the purpose of administering this Act and any rule  
5 promulgated in accordance with this Act.

6           (4) To subpoena witnesses, to compel their attendance,  
7 to administer an oath, to examine any person under oath,  
8 and to require the production of any relevant books,  
9 papers, accounts, and documents in the course of and  
10 pursuant to any investigation being conducted, or any  
11 action being taken, by the Commissioner in respect of any  
12 matter relating to the duties imposed upon, or the powers  
13 vested in, the Commissioner under the provisions of this  
14 Act or any rule promulgated in accordance with this Act.

15           (5) To conduct hearings.

16           (6) To impose civil penalties graduated up to \$1,000  
17 against any person for each violation of any provision of  
18 this Act, any rule promulgated in accordance with this Act,  
19 or any order of the Commissioner based upon the seriousness  
20 of the violation.

21           (6.5) To initiate, through the Attorney General,  
22 injunction proceedings whenever it appears to the  
23 Commissioner that any person, whether licensed under this  
24 Act or not, is engaged or about to engage in an act or  
25 practice that constitutes or will constitute a violation of  
26 this Act or any rule prescribed under the authority of this  
27 Act. The Commissioner may, in his or her discretion,  
28 through the Attorney General, apply for an injunction, and  
29 upon a proper showing, any circuit court may enter a  
30 permanent or preliminary injunction or a temporary  
31 restraining order without bond to enforce this Act in  
32 addition to the penalties and other remedies provided for  
33 in this Act.

34           (7) To issue a cease and desist order and, for  
35 violations of this Act, any order issued by the  
36 Commissioner pursuant to this Act, any rule promulgated in

1           accordance with this Act, or any other applicable law in  
2           connection with the operation of a pawnshop, to suspend a  
3           license issued under this Act for up to 30 days.

4           (8) To determine compliance with applicable law and  
5           rules related to the operation of pawnshops and to verify  
6           the accuracy of reports filed with the Commissioner, the  
7           Commissioner, not more than one time every 2 years, may,  
8           but is not required to, conduct a routine examination of a  
9           pawnshop, and in addition, the Commissioner may examine the  
10          affairs of any pawnshop at any time if the Commissioner has  
11          reasonable cause to believe that unlawful or fraudulent  
12          activity is occurring, or has occurred, therein.

13          (9) In response to a complaint, to address any  
14          inquiries to any pawnshop in relation to its affairs, and  
15          it shall be the duty of the pawnshop to promptly reply in  
16          writing to such inquiries. The Commissioner may also  
17          require reports or information from any pawnshop at any  
18          time the Commissioner may deem desirable.

19          (10) To revoke a license issued under this Act if the  
20          Commissioner determines that (a) a licensee has been  
21          convicted of a felony in connection with the operations of  
22          a pawnshop; (b) a licensee knowingly, recklessly, or  
23          continuously violated this Act, a rule promulgated in  
24          accordance with this Act, or any order of the Commissioner;  
25          (c) a fact or condition exists that, if it had existed or  
26          had been known at the time of the original application,  
27          would have justified license refusal; or (d) the licensee  
28          knowingly submits materially false or misleading documents  
29          with the intent to deceive the Commissioner or any other  
30          party.

31          (11) Following license revocation, to take possession  
32          and control of a pawnshop for the purpose of examination,  
33          reorganization, or liquidation through receivership and to  
34          appoint a receiver, which may be the Commissioner, a  
35          pawnshop, or another suitable person.

36          (b) After consultation with local law enforcement

1 officers, the Attorney General, and the industry, the  
2 Commissioner may by rule require that pawnbrokers operate video  
3 camera surveillance systems to record photographic  
4 representations of customers and retain the tapes produced for  
5 up to 30 days.

6 (c) Pursuant to rule, the Commissioner shall issue licenses  
7 on an annual or multi-year basis for operating a pawnshop. Any  
8 person currently operating or who has operated a pawnshop in  
9 this State during the 2 years preceding the effective date of  
10 this amendatory Act of 1997 shall be issued a license upon  
11 payment of the fee required under this Act. New applicants  
12 shall meet standards for a license as established by the  
13 Commissioner. Except with the prior written consent of the  
14 Commissioner, no individual, either a new applicant or a person  
15 currently operating a pawnshop, may be issued a license to  
16 operate a pawnshop if the individual has been convicted of a  
17 felony or of any criminal offense relating to dishonesty or  
18 breach of trust in connection with the operations of a  
19 pawnshop. The Commissioner shall establish license fees. The  
20 fees shall not exceed the amount reasonably required for  
21 administration of this Act. It shall be unlawful to operate a  
22 pawnshop without a license issued by the Commissioner.

23 (d) In addition to license fees, the Commissioner may, by  
24 rule, establish fees in connection with a review, approval, or  
25 provision of a service, and levy a reasonable charge to recover  
26 the cost of the review, approval, or service (such as a change  
27 in control, change in location, or renewal of a license). The  
28 Commissioner may also levy a reasonable charge to recover the  
29 cost of an examination if the Commissioner determines that  
30 unlawful or fraudulent activity has occurred. The Commissioner  
31 may require payment of the fees and charges provided in this  
32 Act by certified check, money order, an electronic transfer of  
33 funds, or an automatic debit of an account.

34 (e) The Pawnbroker Regulation Fund is established as a  
35 special fund in the State treasury. Moneys collected under this  
36 Act shall be deposited into the Fund and used for the

1 administration of this Act. In the event that General Revenue  
2 Funds are appropriated to the Office of the Commissioner of  
3 Banks and Real Estate for the initial implementation of this  
4 Act, the Governor may direct the repayment from the Pawnbroker  
5 Regulation Fund to the General Revenue Fund of such advance in  
6 an amount not to exceed \$30,000. The Governor may direct this  
7 interfund transfer at such time as he deems appropriate by  
8 giving appropriate written notice. Moneys in the Pawnbroker  
9 Regulation Fund may be transferred to the Professions Indirect  
10 Cost Fund, as authorized under Section 2105-300 of the  
11 Department of Professional Regulation Law of the Civil  
12 Administrative Code of Illinois.

13 (f) The Commissioner may, by rule, require all pawnshops to  
14 provide for the expenses that would arise from the  
15 administration of the receivership of a pawnshop under this Act  
16 through the assessment of fees, the requirement to pledge  
17 surety bonds, or such other methods as determined by the  
18 Commissioner.

19 (g) All final administrative decisions of the Commissioner  
20 under this Act shall be subject to judicial review pursuant to  
21 the provisions of the Administrative Review Law. For matters  
22 involving administrative review, venue shall be in either  
23 Sangamon County or Cook County.

24 (Source: P.A. 92-215, eff. 8-2-01.)

25 Section 13-35. The Transmitters of Money Act is amended by  
26 changing Section 93 as follows:

27 (205 ILCS 657/93)

28 Sec. 93. Consumer Protection Fund.

29 (a) A special income-earning fund is hereby created in the  
30 State treasury, known as the TOMA Consumer Protection Fund.

31 (b) All moneys paid into the fund together with all  
32 accumulated undistributed income thereon shall be held as a  
33 special fund in the State treasury. The fund shall be used  
34 solely for the purpose of providing restitution to consumers

1 who have suffered monetary loss arising out of a transaction  
2 regulated by this Act.

3 (c) The fund shall be applied only to restitution when  
4 restitution has been ordered by the Director. Restitution shall  
5 not exceed the amount actually lost by the consumer. The fund  
6 shall not be used for the payment of any attorney or other  
7 fees.

8 (d) The fund shall be subrogated to the amount of the  
9 restitution, and the Director shall request the Attorney  
10 General to engage in all reasonable collection steps to collect  
11 restitution from the party responsible for the loss and  
12 reimburse the fund.

13 (e) Notwithstanding any other provisions of this Section,  
14 the payment of restitution from the fund shall be a matter of  
15 grace and not of right, and no consumer shall have any vested  
16 rights in the fund as a beneficiary or otherwise. Before  
17 seeking restitution from the fund, the consumer or beneficiary  
18 seeking payment of restitution shall apply for restitution on a  
19 form provided by the Director. The form shall include any  
20 information the Director may reasonably require in order to  
21 determine that restitution is appropriate.

22 (f) Notwithstanding any other provision of this Section,  
23 moneys in the TOMA Consumer Protection Fund may be transferred  
24 to the Professions Indirect Cost Fund, as authorized under  
25 Section 2105-300 of the Department of Professional Regulation  
26 Law of the Civil Administrative Code of Illinois.

27 (Source: P.A. 93-535, eff. 1-1-04.)

28 Section 13-40. The Illinois Insurance Code is amended by  
29 changing Sections 408.3 and 511.111 as follows:

30 (215 ILCS 5/408.3) (from Ch. 73, par. 1020.3)

31 Sec. 408.3. Insurance Financial Regulation Fund; uses. The  
32 monies deposited into the Insurance Financial Regulation Fund  
33 shall be used only for (i) payment of the expenses of the  
34 Department, including related administrative expenses,

1 incurred in analyzing, investigating and examining the  
2 financial condition or control of insurance companies and other  
3 entities licensed or seeking to be licensed by the Department,  
4 including the collection, analysis and distribution of  
5 information on insurance premiums, other income, costs and  
6 expenses, and (ii) to pay internal costs and expenses of the  
7 Interstate Insurance Receivership Commission allocated to this  
8 State and authorized and admitted companies doing an insurance  
9 business in this State under Article X of the Interstate  
10 Receivership Compact. All distributions and payments from the  
11 Insurance Financial Regulation Fund shall be subject to  
12 appropriation as otherwise provided by law for payment of such  
13 expenses.

14 Sums appropriated under clause (ii) of the preceding  
15 paragraph shall be deemed to satisfy, pro tanto, the  
16 obligations of insurers doing business in this State under  
17 Article X of the Interstate Insurance Receivership Compact.

18 Nothing in this Code shall prohibit the General Assembly  
19 from appropriating funds from the General Revenue Fund to the  
20 Department for the purpose of administering this Code.

21 No fees collected pursuant to Section 408 of this Code  
22 shall be used for the regulation of pension funds or activities  
23 by the Department in the performance of its duties under  
24 Article 22 of the Illinois Pension Code.

25 If at the end of a fiscal year the balance in the Insurance  
26 Financial Regulation Fund which remains unexpended or  
27 unobligated exceeds the amount of funds that the Director may  
28 certify is needed for the purposes enumerated in this Section,  
29 then the General Assembly may appropriate that excess amount  
30 for purposes other than those enumerated in this Section.

31 Moneys in the Insurance Financial Regulation Fund may be  
32 transferred to the Professions Indirect Cost Fund, as  
33 authorized under Section 2105-300 of the Department of  
34 Professional Regulation Law of the Civil Administrative Code of  
35 Illinois.

36 (Source: P.A. 89-247, eff. 1-1-96; 90-372, eff. 7-1-98.)

1 (215 ILCS 5/511.111) (from Ch. 73, par. 1065.58-111)

2 Sec. 511.111. Insurance Producer Administration Fund. All  
3 fees and fines paid to and collected by the Director under this  
4 Article shall be paid promptly after receipt thereof, together  
5 with a detailed statement of such fees, into a special fund in  
6 the State Treasury to be known as the Insurance Producer  
7 Administration Fund. The monies deposited into the Insurance  
8 Producer Administration Fund shall be used only for payment of  
9 the expenses of the Department and shall be appropriated as  
10 otherwise provided by law for the payment of such expenses.  
11 Moneys in the Insurance Producers Administration Fund may be  
12 transferred to the Professions Indirect Cost Fund, as  
13 authorized under Section 2105-300 of the Department of  
14 Professional Regulation Law of the Civil Administrative Code of  
15 Illinois.

16 (Source: P.A. 84-887.)

17 Section 13-45. The Auction License Act is amended by  
18 changing Section 30-15 as follows:

19 (225 ILCS 407/30-15)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 30-15. Auction Regulation Administration Fund. A  
22 special fund to be known as the Auction Regulation  
23 Administration Fund is created in the State Treasury. All fees  
24 received by the OBRE under this Act shall be deposited into the  
25 Auction Regulation Administration Fund. Subject to  
26 appropriation, the moneys deposited into the Auction  
27 Regulation Administration Fund shall be used by the OBRE for  
28 the administration of this Act. Moneys in the Auction  
29 Regulation Administration Fund may be invested and reinvested  
30 in the same manner as authorized for pension funds in Article  
31 14 of the Illinois Pension Code. All earnings, interest, and  
32 dividends received from investment of funds in the Auction  
33 Regulation Administration Fund shall be deposited into the

1 Auction Regulation Administration Fund and shall be used for  
2 the same purposes as other moneys deposited in the Auction  
3 Regulation Administration Fund.

4 This fund shall be created on July 1, 1999. The State  
5 Treasurer shall cause a transfer of \$300,000 to the Auction  
6 Regulation Administration Fund from the Real Estate License  
7 Administration Fund on August 1, 1999. The State Treasurer  
8 shall cause a transfer of \$200,000 on August 1, 2000 and a  
9 transfer of \$100,000 on January 1, 2002 from the Auction  
10 Regulation Administration Fund to the Real Estate License  
11 Administration Fund, or if there is a sufficient fund balance  
12 in the Auction Regulation Administration Fund to properly  
13 administer this Act, the OBRE may recommend to the State  
14 Treasurer to cause a transfer from the Auction Regulation  
15 Administration Fund to the Real Estate License Administration  
16 Fund on a date and in an amount which is accelerated, but not  
17 less than set forth in this Section. In addition to the license  
18 fees required under this Act, each initial applicant for  
19 licensure under this Act shall pay to the OBRE an additional  
20 \$100 for deposit into the Auction Regulation Administration  
21 Fund for a period of 2 years or until such time the original  
22 transfer amount to the Auction Regulation Administration Fund  
23 from the Real Estate License Administration Fund is repaid.

24 Moneys in the Auction Regulation Administration Fund may be  
25 transferred to the Professions Indirect Cost Fund, as  
26 authorized under Section 2105-300 of the Department of  
27 Professional Regulation Law of the Civil Administrative Code of  
28 Illinois.

29 Upon completion of any audit of the OBRE as prescribed by  
30 the Illinois State Auditing Act, which includes an audit of the  
31 Auction Regulation Administration Fund, the OBRE shall make the  
32 audit open to inspection by any interested party.

33 (Source: P.A. 91-603, eff. 8-16-99.)

34 Section 13-50. The Home Inspector License Act is amended by  
35 changing Section 25-5 as follows:

1 (225 ILCS 441/25-5)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 25-5. Home Inspector Administration Fund; surcharge.

4 (a) The Home Inspector Administration Fund is created as a  
5 special fund in the State Treasury. All fees, fines, and  
6 penalties received by OBRE under this Act shall be deposited  
7 into the Home Inspector Administration Fund. All earnings  
8 attributable to investment of funds in the Home Inspector  
9 Administration Fund shall be credited to the Home Inspector  
10 Administration Fund. Subject to appropriation, the moneys in  
11 the Home Inspector Administration Fund shall be appropriated to  
12 OBRE for the expenses incurred by OBRE and the Board in the  
13 administration of this Act.

14 (b) The State Comptroller and State Treasurer shall  
15 transfer \$150,000 from the Real Estate License Administration  
16 Fund to the Home Inspector Administration Fund on July 1, 2002.

17 The State Treasurer shall transfer \$50,000 from the Home  
18 Inspector Administration Fund to the Real Estate License  
19 Administration Fund on July 1, 2003, July 1, 2004, and July 1,  
20 2005; except that if there is a sufficient fund balance in the  
21 Home Inspector Administration Fund, the Commissioner may  
22 recommend the acceleration of any of these repayment transfers  
23 to the State Comptroller and State Treasurer, who may, in their  
24 discretion, accelerate the transfers in accordance with the  
25 Commissioner's recommendation.

26 (c) Until a total of \$150,000 has been transferred to the  
27 Real Estate License Administration Fund from the Home Inspector  
28 Administration Fund under subsection (b), each initial  
29 applicant for a license under this Act shall pay to OBRE a  
30 surcharge of \$150 in addition to the license fees otherwise  
31 required under this Act.

32 (c-5) Moneys in the Home Inspection Administration Fund may  
33 be transferred to the Professions Indirect Cost Fund, as  
34 authorized under Section 2105-300 of the Department of  
35 Professional Regulation Law of the Civil Administrative Code of

1 Illinois.

2 (d) Upon the completion of any audit of OBRE, as prescribed  
3 by the Illinois State Auditing Act, that includes an audit of  
4 the Home Inspector Administration Fund, OBRE shall make the  
5 audit report open to inspection by any interested person.

6 (Source: P.A. 92-239, eff. 8-3-01.)

7 Section 13-55. The Real Estate License Act of 2000 is  
8 amended by changing Sections 25-25, 25-30, and 25-37 as  
9 follows:

10 (225 ILCS 454/25-25)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 25-25. Real Estate Research and Education Fund. A  
13 special fund to be known as the Real Estate Research and  
14 Education Fund is created and shall be held in trust in the  
15 State Treasury. Annually, on September 15th, the State  
16 Treasurer shall cause a transfer of \$125,000 to the Real Estate  
17 Research and Education Fund from the Real Estate License  
18 Administration Fund. The Real Estate Research and Education  
19 Fund shall be administered by OBRE. Money deposited in the Real  
20 Estate Research and Education Fund may be used for research and  
21 education at state institutions of higher education or other  
22 organizations for research and the advancement of education in  
23 the real estate industry. Of the \$125,000 annually transferred  
24 into the Real Estate Research and Education Fund, \$15,000 shall  
25 be used to fund a scholarship program for persons of minority  
26 racial origin who wish to pursue a course of study in the field  
27 of real estate. For the purposes of this Section, "course of  
28 study" means a course or courses that are part of a program of  
29 courses in the field of real estate designed to further an  
30 individual's knowledge or expertise in the field of real  
31 estate. These courses shall include without limitation courses  
32 that a salesperson licensed under this Act must complete to  
33 qualify for a real estate broker's license, courses required to  
34 obtain the Graduate Realtors Institute designation, and any

1 other courses or programs offered by accredited colleges,  
2 universities, or other institutions of higher education in  
3 Illinois. The scholarship program shall be administered by OBRE  
4 or its designee. Moneys in the Real Estate Research and  
5 Education Fund may be invested and reinvested in the same  
6 manner as funds in the Real Estate Recovery Fund and all  
7 earnings, interest, and dividends received from such  
8 investments shall be deposited in the Real Estate Research and  
9 Education Fund and may be used for the same purposes as moneys  
10 transferred to the Real Estate Research and Education Fund.  
11 Moneys in the Real Estate Research and Education Fund may be  
12 transferred to the Professions Indirect Cost Fund as authorized  
13 under Section 2105-300 of the Department of Professional  
14 Regulation Law of the Civil Administrative Code of Illinois.

15 (Source: P.A. 91-245, eff. 12-31-99.)

16 (225 ILCS 454/25-30)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 25-30. Real Estate License Administration Fund;  
19 audit. A special fund to be known as the Real Estate License  
20 Administration Fund is created in the State Treasury. All fees  
21 received by OBRE under this Act shall be deposited in the Real  
22 Estate License Administration Fund. The moneys deposited in the  
23 Real Estate License Administration Fund shall be appropriated  
24 to OBRE for expenses of OBRE and the Board in the  
25 administration of this Act and for the administration of any  
26 Act administered by OBRE providing revenue to this Fund. Moneys  
27 in the Real Estate License Administration Fund may be invested  
28 and reinvested in the same manner as funds in the Real Estate  
29 Recovery Fund. All earnings received from such investment shall  
30 be deposited in the Real Estate License Administration Fund and  
31 may be used for the same purposes as fees deposited in the Real  
32 Estate License Administration Fund. Moneys in the Real Estate  
33 License Administration Fund may be transferred to the  
34 Professions Indirect Cost Fund as authorized under Section  
35 2105-300 of the Department of Professional Regulation Law of

1 the Civil Administrative Code of Illinois. Upon the completion  
2 of any audit of OBRE, as prescribed by the Illinois State  
3 Auditing Act, which includes an audit of the Real Estate  
4 License Administration Fund, OBRE shall make the audit open to  
5 inspection by any interested person.

6 (Source: P.A. 91-245, eff. 12-31-99.)

7 (225 ILCS 454/25-37)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 25-37. Real Estate Audit Fund; audit of special  
10 accounts; audit of fund.

11 (a) A special fund to be known as the Real Estate Audit  
12 Fund is created in the State Treasury. The State Treasurer  
13 shall cause a transfer of \$200,000 from the Real Estate License  
14 Administration Fund to the Real Estate Audit Fund on January 1,  
15 2002. If, at any time, the balance in the Real Estate Audit  
16 Fund is less than \$25,000, the State Treasurer shall cause a  
17 transfer of \$200,000 from the Real Estate License  
18 Administration Fund to the Real Estate Audit Fund. The moneys  
19 held in the Real Estate Audit Fund shall be used exclusively by  
20 OBRE to conduct audits of special accounts of moneys belonging  
21 to others held by a broker.

22 (b) Upon receipt of a complaint or evidence by OBRE  
23 sufficient to cause OBRE to reasonably believe that funds  
24 required to be maintained in a special account by a broker have  
25 been misappropriated, the broker shall, within 30 days of  
26 written notice, submit to an audit of all special accounts.  
27 Such audit shall be performed by a licensed certified public  
28 accountant, shall result in a written report by the accountant,  
29 and shall specifically refer to the escrow and record-keeping  
30 requirements of this Act and the rules adopted under this Act.  
31 If it is found, pursuant to an order issued by the  
32 Commissioner, that moneys required to be maintained in a  
33 special account by a broker were misappropriated, as further  
34 defined by rule, the broker shall reimburse OBRE, in addition  
35 to any other discipline or civil penalty imposed, for the cost

1 of the audit performed pursuant to this Section. OBRE may file  
2 in circuit court for a judgment to enforce the collection of  
3 the reimbursement of the cost of such audit. Any reimbursement  
4 collected by OBRE shall be deposited into the Real Estate Audit  
5 Fund.

6 (c) Moneys in the Real Estate Audit Fund may be invested  
7 and reinvested in the same manner as funds in the Real Estate  
8 Recovery Fund. All earnings received from such investment shall  
9 be deposited in the Real Estate Audit Fund and may be used for  
10 the same purpose as other moneys deposited in the Real Estate  
11 Audit Fund. Moneys in the Real Estate Audit Fund may be  
12 transferred to the Professions Indirect Cost Fund as authorized  
13 under Section 2105-300 of the Department of Professional  
14 Regulation Law of the Civil Administrative Code of Illinois.  
15 Upon completion of any audit of OBRE, prescribed by the  
16 Illinois State Auditing Act, which includes an audit of the  
17 Real Estate Audit Fund, OBRE shall make the audit open to  
18 inspection by any interested person.

19 (Source: P.A. 92-217, eff. 8-2-01.)

20 Section 13-60. The Real Estate Appraiser Licensing Act of  
21 2002 is amended by changing Section 25-5 as follows:

22 (225 ILCS 458/25-5)

23 (Section scheduled to be repealed on January 1, 2012)

24 Sec. 25-5. Appraisal Administration Fund; surcharge. The  
25 Appraisal Administration Fund is created as a special fund in  
26 the State Treasury. All fees, fines, and penalties received by  
27 OBRE under this Act shall be deposited into the Appraisal  
28 Administration Fund. All earnings attributable to investment  
29 of funds in the Appraisal Administration Fund shall be credited  
30 to the Appraisal Administration Fund. Subject to  
31 appropriation, the moneys in the Appraisal Administration Fund  
32 shall be paid to OBRE for the expenses incurred by OBRE and the  
33 Board in the administration of this Act. Moneys in the  
34 Appraisal Administration Fund may be transferred to the

1 Professions Indirect Cost Fund as authorized under Section  
2 2105-300 of the Department of Professional Regulation Law of  
3 the Civil Administrative Code of Illinois.

4 Upon the completion of any audit of OBRE, as prescribed by  
5 the Illinois State Auditing Act, which shall include an audit  
6 of the Appraisal Administration Fund, OBRE shall make the audit  
7 report open to inspection by any interested person.

8 (Source: P.A. 92-180, eff. 7-1-02.)

9 ARTICLE 15

10 Section 15-5. The Department of Transportation Law of the  
11 Civil Administrative Code of Illinois is amended by changing  
12 Section 2705-200 as follows:

13 (20 ILCS 2705/2705-200) (was 20 ILCS 2705/49.16)

14 Sec. 2705-200. Master plan; reporting requirements.

15 (a) The Department has the power to develop and maintain a  
16 continuing, comprehensive, and integrated planning process  
17 that shall develop and periodically revise a statewide master  
18 plan for transportation to guide program development and to  
19 foster efficient and economical transportation services in  
20 ground, air, water, and all other modes of transportation  
21 throughout the State. The Department shall coordinate its  
22 transportation planning activities with those of other State  
23 agencies and authorities and shall supervise and review any  
24 transportation planning performed by other Executive agencies  
25 under the direction of the Governor. The Department shall  
26 cooperate and participate with federal, regional, interstate,  
27 State, and local agencies, in accordance with Sections 5-301  
28 and 7-301 of the Illinois Highway Code, and with interested  
29 private individuals and organizations in the coordination of  
30 plans and policies for development of the state's  
31 transportation system.

32 To meet the provisions of this Section, the Department  
33 shall publish and deliver to the Governor and General Assembly

1 by January 1, 1982 and every 2 years thereafter, its master  
2 plan for highway, waterway, aeronautic, mass transportation,  
3 and railroad systems. The plan shall identify priority  
4 subsystems or components of each system that are critical to  
5 the economic and general welfare of this State regardless of  
6 public jurisdictional responsibility or private ownership.

7 The master plan shall provide particular emphasis and  
8 detail of at least the 5-year ~~5-year~~ period in the immediate  
9 future.

10 Annual and 5-year, or longer, ~~5-year~~ project programs for  
11 each State system in this Section shall be published and  
12 furnished the General Assembly on the first Wednesday in April  
13 of each year.

14 Identified needs included in the project programs shall be  
15 listed and mapped in a distinctive fashion to clearly identify  
16 the priority status of the projects: (1) projects to be  
17 committed for execution; (2) tentative projects that are  
18 dependent upon funding or other constraints; and (3) needed  
19 projects that are not programmed due to lack of funding or  
20 other constraints.

21 All projects shall be related to the priority systems of  
22 the master plan, and the priority criteria identified. Cost and  
23 estimated completion dates shall be included for work required  
24 to complete a useable segment or component beyond the ~~5-year~~  
25 period of the program.

26 (b) The Department shall publish and deliver to the  
27 Governor and General Assembly on the first Wednesday in April  
28 of each year a 5-year, or longer, Highway Improvement Program  
29 reporting the number of fiscal years each project has been on  
30 previous ~~5-year~~ plans submitted by the Department.

31 (c) The Department shall publish and deliver to the  
32 Governor and the General Assembly by November 1 of each year a  
33 For the Record report that shall include the following:

34 (1) All the projects accomplished in the previous  
35 fiscal year listed by each Illinois Department of  
36 Transportation District.

1 (2) The award cost and the beginning dates of each  
2 listed project.

3 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,  
4 eff. 6-28-01.)

5 ARTICLE 20

6 Section 20-5. The State Finance Act is amended by changing  
7 Sections 5.595 (as added by Public Act 93-18), 6z-14, 6z-32,  
8 6z-40, 6z-63, 6z-64, 6z-65, 8.3, 8.33, 8g, and 15a as follows:

9 (30 ILCS 105/5.595, from P.A. 93-18)

10 Sec. 5.595. The Illinois Senior Citizens and Disabled  
11 ~~Persons~~ Prescription Drug Discount Program Fund.

12 (Source: P.A. 93-18, eff. 7-1-03.)

13 (30 ILCS 105/6z-14) (from Ch. 127, par. 142z-14)

14 Sec. 6z-14. The following items of income received by the  
15 Department of Natural Resources from patents and copyrights of  
16 the Illinois Scientific Surveys shall be deposited into the  
17 General Revenue Fund ~~may be retained by the Department and~~  
18 ~~covered in a special fund in the State Treasury to be known as~~  
19 ~~the Patent and Copyright Fund~~: funds received in connection  
20 with the retention, receipt, assignment, license, sale or  
21 transfer of interests in, rights to or income from discoveries,  
22 inventions, patents or copyrightable works. All interest  
23 earned ~~on monies in this Fund~~ shall be deposited in the General  
24 Revenue Fund. Pursuant to appropriation, ~~all monies in the~~  
25 ~~Patent and Copyright Fund shall be used by~~ the Department may  
26 use moneys appropriated for that purpose for patenting or  
27 copyrighting discoveries, inventions or copyrightable works or  
28 supporting other programs of the Illinois Scientific Surveys.

29 (Source: P.A. 89-445, eff. 2-7-96.)

30 (30 ILCS 105/6z-32)

31 Sec. 6z-32. Conservation 2000.

1           (a) The Conservation 2000 Fund and the Conservation 2000  
2 Projects Fund are created as special funds in the State  
3 Treasury. These funds shall be used to establish a  
4 comprehensive program to protect Illinois' natural resources  
5 through cooperative partnerships between State government and  
6 public and private landowners. Moneys in these Funds may be  
7 used, subject to appropriation, by the Environmental  
8 Protection Agency and the Departments of Agriculture, Natural  
9 Resources, and Transportation for purposes relating to natural  
10 resource protection, recreation, tourism, and compatible  
11 agricultural and economic development activities. Without  
12 limiting these general purposes, moneys in these Funds may be  
13 used, subject to appropriation, for the following specific  
14 purposes:

15           (1) To foster sustainable agriculture practices and  
16 control soil erosion and sedimentation, including grants  
17 to Soil and Water Conservation Districts for conservation  
18 practice cost-share grants and for personnel, educational,  
19 and administrative expenses.

20           (2) To establish and protect a system of ecosystems in  
21 public and private ownership through conservation  
22 easements, incentives to public and private landowners,  
23 including technical assistance and grants, and land  
24 acquisition provided these mechanisms are all voluntary on  
25 the part of the landowner and do not involve the use of  
26 eminent domain.

27           (3) To develop a systematic and long-term program to  
28 effectively measure and monitor natural resources and  
29 ecological conditions through investments in technology  
30 and involvement of scientific experts.

31           (4) To initiate strategies to enhance, use, and  
32 maintain Illinois' inland lakes through education,  
33 technical assistance, research, and financial incentives.

34           (5) To conduct an extensive review of existing Illinois  
35 water laws.

36           (b) The State Comptroller and State Treasurer shall

1 automatically transfer on the last day of each month, beginning  
 2 on September 30, 1995 and ending on June 30, 2009, from the  
 3 General Revenue Fund to the Conservation 2000 Fund, an amount  
 4 equal to 1/10 of the amount set forth below in fiscal year 1996  
 5 and an amount equal to 1/12 of the amount set forth below in  
 6 each of the other specified fiscal years:

7 Fiscal Year	Amount
8 1996	\$ 3,500,000
9 1997	\$ 9,000,000
10 1998	\$10,000,000
11 1999	\$11,000,000
12 2000	\$12,500,000
13 2001 through 2004	\$14,000,000
14 2005	\$7,000,000
15 <u>2006</u>	<u>\$11,000,000</u>
16 <u>2007</u> <del>2006</del> through 2009 .....	\$14,000,000

17 (c) There shall be deposited into the Conservation 2000  
 18 Projects Fund such bond proceeds and other moneys as may, from  
 19 time to time, be provided by law.

20 (Source: P.A. 93-839, eff. 7-30-04.)

21 (30 ILCS 105/6z-40)

22 Sec. 6z-40. Provider Inquiry Trust Fund. The Provider  
 23 Inquiry Trust Fund is created as a special fund in the State  
 24 treasury. Payments into the fund shall consist of fees or other  
 25 moneys owed by providers of services or their agents, including  
 26 other State agencies, for access to and utilization of Illinois  
 27 Department of Public Aid eligibility files to verify  
 28 eligibility of clients, bills for services, or other similar,  
 29 related uses. Disbursements from the fund shall consist of  
 30 payments to the Department of Central Management Services for  
 31 communication ~~telecommunication~~ and statistical services and  
 32 for payments for administrative expenses incurred by the  
 33 Illinois Department of Public Aid in the operation of the fund.

34 (Source: P.A. 89-21, eff. 7-1-95.)

1 (30 ILCS 105/6z-63)

2 Sec. 6z-63. The Professional Services Fund.

3 (a) The Professional Services Fund is created as a  
4 revolving fund in the State treasury. The following moneys  
5 shall be deposited into the Fund:

6 (1) amounts authorized for transfer to the Fund from  
7 the General Revenue Fund and other State funds (except for  
8 funds classified by the Comptroller as federal trust funds  
9 or State trust funds) pursuant to State law or Executive  
10 Order;

11 (2) federal funds received by the Department of Central  
12 Management Services (the "Department") as a result of  
13 expenditures from the Fund;

14 (3) interest earned on moneys in the Fund; and

15 (4) receipts or inter-fund transfers resulting from  
16 billings issued by the Department to State agencies for the  
17 cost of professional services rendered by the Department  
18 that are not compensated through the specific fund  
19 transfers authorized by this Section.

20 (b) Moneys in the Fund may be used by the Department for  
21 reimbursement or payment for:

22 (1) providing professional services to State agencies  
23 or other State entities;

24 (2) rendering other services ~~at the Governor's~~  
25 ~~direction~~ to State agencies at the Governor's direction or  
26 to other State entities upon agreement between the Director  
27 of Central Management Services and the appropriate  
28 official or governing body of the other State entity; or

29 (3) providing for payment of administrative and other  
30 expenses incurred by the Department in providing  
31 professional services.

32 (c) State agencies or other State entities may direct the  
33 Comptroller to process inter-fund transfers or make payment  
34 through the voucher and warrant process to the Professional  
35 Services Fund in satisfaction of billings issued under  
36 subsection (a) of this Section.

1 (d) Reconciliation. For the fiscal year beginning on July  
 2 1, 2004 only, the ~~The~~ Director of Central Management Services  
 3 (the "Director") shall order that each State agency's payments  
 4 and transfers made to the Fund be reconciled with actual Fund  
 5 costs for professional services provided by the Department on  
 6 no less than an annual basis. The Director may require reports  
 7 from State agencies as deemed necessary to perform this  
 8 reconciliation.

9 (e) The following amounts are authorized for transfer into  
 10 the Professional Services Fund for the fiscal year beginning  
 11 July 1, 2004:

12	General Revenue Fund .....	\$5,440,431
13	Road Fund .....	\$814,468
14	Motor Fuel Tax Fund .....	\$263,500
15	Child Support Administrative Fund .....	\$234,013
16	Professions Indirect Cost Fund .....	\$276,800
17	Capital Development Board Revolving Fund .....	\$207,610
18	Bank & Trust Company Fund .....	\$200,214
19	State Lottery Fund .....	\$193,691
20	Insurance Producer Administration Fund .....	\$174,672
21	Insurance Financial Regulation Fund .....	\$168,327
22	Illinois Clean Water Fund .....	\$124,675
23	Clean Air Act (CAA) Permit Fund .....	\$91,803
24	Statistical Services Revolving Fund .....	\$90,959
25	Financial Institution Fund .....	\$109,428
26	Horse Racing Fund .....	\$71,127
27	Health Insurance Reserve Fund .....	\$66,577
28	Solid Waste Management Fund .....	\$61,081
29	Guardianship and Advocacy Fund .....	\$1,068
30	Agricultural Premium Fund .....	\$493
31	Wildlife and Fish Fund .....	\$247
32	Radiation Protection Fund .....	\$33,277
33	Nuclear Safety Emergency Preparedness Fund .....	\$25,652
34	Tourism Promotion Fund .....	\$6,814

35 All of these transfers shall be made on July 1, 2004, or as  
 36 soon thereafter as practical. These transfers shall be made

1 notwithstanding any other provision of State law to the  
2 contrary.

3 (e-5) Notwithstanding any other provision of State law to  
4 the contrary, on or after July 1, 2005 and through June 30,  
5 2006, in addition to any other transfers that may be provided  
6 for by law, at the direction of and upon notification from the  
7 Director of Central Management Services, the State Comptroller  
8 shall direct and the State Treasurer shall transfer amounts  
9 into the Professional Services Fund from the designated funds  
10 not exceeding the following totals:

11	<u>Food and Drug Safety Fund .....</u>	<u>\$3,249</u>
12	<u>Financial Institution Fund .....</u>	<u>\$12,942</u>
13	<u>General Professions Dedicated Fund .....</u>	<u>\$8,579</u>
14	<u>Illinois Department of Agriculture</u>	
15	<u>Laboratory Services Revolving Fund .....</u>	<u>\$1,963</u>
16	<u>Illinois Veterans' Rehabilitation Fund .....</u>	<u>\$11,275</u>
17	<u>State Boating Act Fund .....</u>	<u>\$27,000</u>
18	<u>State Parks Fund .....</u>	<u>\$22,007</u>
19	<u>Agricultural Premium Fund .....</u>	<u>\$59,483</u>
20	<u>Fire Prevention Fund .....</u>	<u>\$29,862</u>
21	<u>Mental Health Fund .....</u>	<u>\$78,213</u>
22	<u>Illinois State Pharmacy Disciplinary Fund .....</u>	<u>\$2,744</u>
23	<u>Radiation Protection Fund .....</u>	<u>\$16,034</u>
24	<u>Solid Waste Management Fund .....</u>	<u>\$37,669</u>
25	<u>Illinois Gaming Law Enforcement Fund .....</u>	<u>\$7,260</u>
26	<u>Subtitle D Management Fund .....</u>	<u>\$4,659</u>
27	<u>Illinois State Medical Disciplinary Fund .....</u>	<u>\$8,602</u>
28	<u>Department of Children and</u>	
29	<u>Family Services Training Fund .....</u>	<u>\$29,906</u>
30	<u>Facility Licensing Fund .....</u>	<u>\$1,083</u>
31	<u>Youth Alcoholism and Substance</u>	
32	<u>Abuse Prevention Fund .....</u>	<u>\$2,783</u>
33	<u>Plugging and Restoration Fund .....</u>	<u>\$1,105</u>
34	<u>State Crime Laboratory Fund .....</u>	<u>\$1,353</u>
35	<u>Motor Vehicle Theft Prevention Trust Fund .....</u>	<u>\$9,190</u>
36	<u>Weights and Measures Fund .....</u>	<u>\$4,932</u>

1	<u>Solid Waste Management Revolving</u>	
2	<u>Loan Fund</u> .....	<u>\$2,735</u>
3	<u>Illinois School Asbestos Abatement Fund</u> .....	<u>\$2,166</u>
4	<u>Violence Prevention Fund</u> .....	<u>\$5,176</u>
5	<u>Capital Development Board Revolving Fund</u> .....	<u>\$14,777</u>
6	<u>DCFS Children's Services Fund</u> .....	<u>\$1,256,594</u>
7	<u>State Police DUI Fund</u> .....	<u>\$1,434</u>
8	<u>Illinois Health Facilities Planning Fund</u> .....	<u>\$3,191</u>
9	<u>Emergency Public Health Fund</u> .....	<u>\$7,996</u>
10	<u>Fair and Exposition Fund</u> .....	<u>\$3,732</u>
11	<u>Nursing Dedicated and Professional Fund</u> .....	<u>\$5,792</u>
12	<u>Optometric Licensing and Disciplinary Board Fund</u> ..	<u>\$1,032</u>
13	<u>Underground Resources Conservation Enforcement Fund</u>	<u>\$1,221</u>
14	<u>State Rail Freight Loan Repayment Fund</u> .....	<u>\$6,434</u>
15	<u>Drunk and Drugged Driving Prevention Fund</u> .....	<u>\$5,473</u>
16	<u>Illinois Affordable Housing Trust Fund</u> .....	<u>\$118,222</u>
17	<u>Community Water Supply Laboratory Fund</u> .....	<u>\$10,021</u>
18	<u>Used Tire Management Fund</u> .....	<u>\$17,524</u>
19	<u>Natural Areas Acquisition Fund</u> .....	<u>\$15,501</u>
20	<u>Open Space Lands Acquisition</u>	
21	<u>and Development Fund</u> .....	<u>\$49,105</u>
22	<u>Working Capital Revolving Fund</u> .....	<u>\$126,344</u>
23	<u>State Garage Revolving Fund</u> .....	<u>\$92,513</u>
24	<u>Statistical Services Revolving Fund</u> .....	<u>\$181,949</u>
25	<u>Paper and Printing Revolving Fund</u> .....	<u>\$3,632</u>
26	<u>Air Transportation Revolving Fund</u> .....	<u>\$1,969</u>
27	<u>Communications Revolving Fund</u> .....	<u>\$304,278</u>
28	<u>Environmental Laboratory Certification Fund</u> .....	<u>\$1,357</u>
29	<u>Public Health Laboratory Services Revolving Fund</u> ..	<u>\$5,892</u>
30	<u>Provider Inquiry Trust Fund</u> .....	<u>\$1,742</u>
31	<u>Lead Poisoning Screening,</u>	
32	<u>Prevention, and Abatement Fund</u> .....	<u>\$8,200</u>
33	<u>Drug Treatment Fund</u> .....	<u>\$14,028</u>
34	<u>Feed Control Fund</u> .....	<u>\$2,472</u>
35	<u>Plumbing Licensure and Program Fund</u> .....	<u>\$3,521</u>
36	<u>Insurance Premium Tax Refund Fund</u> .....	<u>\$7,872</u>

1	<u>Tax Compliance and Administration Fund</u> .....	<u>\$5,416</u>
2	<u>Appraisal Administration Fund</u> .....	<u>\$2,924</u>
3	<u>Trauma Center Fund</u> .....	<u>\$40,139</u>
4	<u>Alternate Fuels Fund</u> .....	<u>\$1,467</u>
5	<u>Illinois State Fair Fund</u> .....	<u>\$13,844</u>
6	<u>State Asset Forfeiture Fund</u> .....	<u>\$8,210</u>
7	<u>Federal Asset Forfeiture Fund</u> .....	<u>\$6,471</u>
8	<u>Department of Corrections Reimbursement</u>	
9	<u>and Education Fund</u> .....	<u>\$78,965</u>
10	<u>Health Facility Plan Review Fund</u> .....	<u>\$3,444</u>
11	<u>LEADS Maintenance Fund</u> .....	<u>\$6,075</u>
12	<u>State Offender DNA Identification</u>	
13	<u>System Fund</u> .....	<u>\$1,712</u>
14	<u>Illinois Historic Sites Fund</u> .....	<u>\$4,511</u>
15	<u>Public Pension Regulation Fund</u> .....	<u>\$2,313</u>
16	<u>Workforce, Technology, and Economic</u>	
17	<u>Development Fund</u> .....	<u>\$5,357</u>
18	<u>Renewable Energy Resources Trust Fund</u> .....	<u>\$29,920</u>
19	<u>Energy Efficiency Trust Fund</u> .....	<u>\$8,368</u>
20	<u>Pesticide Control Fund</u> .....	<u>\$6,687</u>
21	<u>Conservation 2000 Fund</u> .....	<u>\$30,764</u>
22	<u>Wireless Carrier Reimbursement Fund</u> .....	<u>\$91,024</u>
23	<u>International Tourism Fund</u> .....	<u>\$13,057</u>
24	<u>Public Transportation Fund</u> .....	<u>\$701,837</u>
25	<u>Horse Racing Fund</u> .....	<u>\$18,589</u>
26	<u>Death Certificate Surcharge Fund</u> .....	<u>\$1,901</u>
27	<u>State Police Wireless Service</u>	
28	<u>Emergency Fund</u> .....	<u>\$1,012</u>
29	<u>Downstate Public Transportation Fund</u> .....	<u>\$112,085</u>
30	<u>Motor Carrier Safety Inspection Fund</u> .....	<u>\$6,543</u>
31	<u>State Police Whistleblower Reward</u>	
32	<u>and Protection Fund</u> .....	<u>\$1,894</u>
33	<u>Illinois Standardbred Breeders Fund</u> .....	<u>\$4,412</u>
34	<u>Illinois Thoroughbred Breeders Fund</u> .....	<u>\$6,635</u>
35	<u>Illinois Clean Water Fund</u> .....	<u>\$17,579</u>
36	<u>Independent Academic Medical Center Fund</u> .....	<u>\$5,611</u>

1	<u>Child Support Administrative Fund</u> .....	<u>\$432,527</u>
2	<u>Corporate Headquarters Relocation</u>	
3	<u>Assistance Fund</u> .....	<u>\$4,047</u>
4	<u>Local Initiative Fund</u> .....	<u>\$58,762</u>
5	<u>Tourism Promotion Fund</u> .....	<u>\$88,072</u>
6	<u>Digital Divide Elimination Fund</u> .....	<u>\$11,593</u>
7	<u>Presidential Library and Museum Operating Fund</u> ....	<u>\$4,624</u>
8	<u>Metro-East Public Transportation Fund</u> .....	<u>\$47,787</u>
9	<u>Medical Special Purposes Trust Fund</u> .....	<u>\$11,779</u>
10	<u>Dram Shop Fund</u> .....	<u>\$11,317</u>
11	<u>Illinois State Dental Disciplinary Fund</u> .....	<u>\$1,986</u>
12	<u>Hazardous Waste Research Fund</u> .....	<u>\$1,333</u>
13	<u>Real Estate License Administration Fund</u> .....	<u>\$10,886</u>
14	<u>Traffic and Criminal Conviction</u>	
15	<u>Surcharge Fund</u> .....	<u>\$44,798</u>
16	<u>Criminal Justice Information</u>	
17	<u>Systems Trust Fund</u> .....	<u>\$5,693</u>
18	<u>Design Professionals Administration</u>	
19	<u>and Investigation Fund</u> .....	<u>\$2,036</u>
20	<u>State Surplus Property Revolving Fund</u> .....	<u>\$6,829</u>
21	<u>Illinois Forestry Development Fund</u> .....	<u>\$7,012</u>
22	<u>State Police Services Fund</u> .....	<u>\$47,072</u>
23	<u>Youth Drug Abuse Prevention Fund</u> .....	<u>\$1,299</u>
24	<u>Metabolic Screening and Treatment Fund</u> .....	<u>\$15,947</u>
25	<u>Insurance Producer Administration Fund</u> .....	<u>\$30,870</u>
26	<u>Coal Technology Development Assistance Fund</u> .....	<u>\$43,692</u>
27	<u>Rail Freight Loan Repayment Fund</u> .....	<u>\$1,016</u>
28	<u>Low-Level Radioactive Waste</u>	
29	<u>Facility Development and Operation Fund</u> .....	<u>\$1,989</u>
30	<u>Environmental Protection Permit and Inspection Fund</u>	<u>\$32,125</u>
31	<u>Park and Conservation Fund</u> .....	<u>\$41,038</u>
32	<u>Local Tourism Fund</u> .....	<u>\$34,492</u>
33	<u>Illinois Capital Revolving Loan Fund</u> .....	<u>\$10,624</u>
34	<u>Illinois Equity Fund</u> .....	<u>\$1,929</u>
35	<u>Large Business Attraction Fund</u> .....	<u>\$5,554</u>
36	<u>Illinois Beach Marina Fund</u> .....	<u>\$5,053</u>

1	<u>International and Promotional Fund</u>	<u>.....</u>	<u>\$1,466</u>
2	<u>Public Infrastructure Construction</u>		
3	<u>Loan Revolving Fund</u>	<u>.....</u>	<u>\$3,111</u>
4	<u>Insurance Financial Regulation Fund</u>	<u>.....</u>	<u>\$42,575</u>
5	<u>Total</u>		<u>\$4,975,487</u>

6     (e-10) Notwithstanding any other provision of State law to  
7     the contrary and in addition to any other transfers that may be  
8     provided for by law, on the first day of each calendar quarter  
9     of the fiscal year beginning July 1, 2005, or as soon as may be  
10    practical thereafter, the State Comptroller shall direct and  
11    the State Treasurer shall transfer from each designated fund  
12    into the Professional Services Fund amounts equal to one-fourth  
13    of each of the following totals:

14	<u>General Revenue Fund</u>	<u>.....</u>	<u>\$4,440,000</u>
15	<u>Road Fund</u>	<u>.....</u>	<u>\$5,324,411</u>
16	<u>Total</u>		<u>\$9,764,411</u>

17     (f) The term "professional services" means services  
18     rendered on behalf of State agencies and other State entities  
19     pursuant to Section 405-293 of the Department of Central  
20     Management Services Law of the Civil Administrative Code of  
21     Illinois.

22     (Source: P.A. 93-839, eff. 7-30-04.)

23             (30 ILCS 105/6z-64)

24             Sec. 6z-64. The Workers' Compensation Revolving Fund.

25             (a) The Workers' Compensation Revolving Fund is created as  
26     a revolving fund in the State treasury. The following moneys  
27     shall be deposited into the Fund:

28             (1) amounts authorized for transfer to the Fund from  
29     the General Revenue Fund and other State funds (except for  
30     funds classified by the Comptroller as federal trust funds  
31     or State trust funds) pursuant to State law or Executive  
32     Order;

33             (2) federal funds received by the Department of Central  
34     Management Services (the "Department") as a result of  
35     expenditures from the Fund;

1 (3) interest earned on moneys in the Fund;

2 (4) receipts or inter-fund transfers resulting from  
3 billings issued by the Department to State agencies and  
4 universities for the cost of workers' compensation  
5 services rendered by the Department that are not  
6 compensated through the specific fund transfers authorized  
7 by this Section, if any;

8 (5) amounts received from a State agency or university  
9 for workers' compensation payments for temporary total  
10 disability, as provided in Section 405-105 of the  
11 Department of Central Management Services Law of the Civil  
12 Administrative Code of Illinois; and

13 (6) amounts recovered through subrogation in workers'  
14 compensation and workers' occupational disease cases.

15 (b) Moneys in the Fund may be used by the Department for  
16 reimbursement or payment for:

17 (1) providing workers' compensation services to State  
18 agencies and State universities; or

19 (2) providing for payment of administrative and other  
20 expenses incurred by the Department in providing workers'  
21 compensation services.

22 (c) State agencies may direct the Comptroller to process  
23 inter-fund transfers or make payment through the voucher and  
24 warrant process to the Workers' Compensation Revolving Fund in  
25 satisfaction of billings issued under subsection (a) of this  
26 Section.

27 (d) Reconciliation. For the fiscal year beginning on July  
28 1, 2004 only, the ~~The~~ Director of Central Management Services  
29 (the "Director") shall order that each State agency's payments  
30 and transfers made to the Fund be reconciled with actual Fund  
31 costs for workers' compensation services provided by the  
32 Department and attributable to the State agency and relevant  
33 fund on no less than an annual basis. The Director may require  
34 reports from State agencies as deemed necessary to perform this  
35 reconciliation.

36 (d-5) Notwithstanding any other provision of State law to

1 the contrary, on or after July 1, 2005 and until June 30, 2006,  
 2 in addition to any other transfers that may be provided for by  
 3 law, at the direction of and upon notification of the Director  
 4 of Central Management Services, the State Comptroller shall  
 5 direct and the State Treasurer shall transfer amounts into the  
 6 Workers' Compensation Revolving Fund from the designated funds  
 7 not exceeding the following totals:

8	<u>Mental Health Fund .....</u>	<u>\$17,694,000</u>
9	<u>Statistical Services Revolving Fund .....</u>	<u>\$1,252,600</u>
10	<u>Department of Corrections Reimbursement</u>	
11	<u>and Education Fund .....</u>	<u>\$1,198,600</u>
12	<u>Communications Revolving Fund .....</u>	<u>\$535,400</u>
13	<u>Child Support Administrative Fund .....</u>	<u>\$441,900</u>
14	<u>Health Insurance Reserve Fund .....</u>	<u>\$238,900</u>
15	<u>Fire Prevention Fund .....</u>	<u>\$234,100</u>
16	<u>Park and Conservation Fund .....</u>	<u>\$142,000</u>
17	<u>Motor Fuel Tax Fund .....</u>	<u>\$132,800</u>
18	<u>Illinois Workers' Compensation</u>	
19	<u>Commission Operations Fund .....</u>	<u>\$123,900</u>
20	<u>State Boating Act Fund .....</u>	<u>\$112,300</u>
21	<u>Public Utility Fund .....</u>	<u>\$106,500</u>
22	<u>State Lottery Fund .....</u>	<u>\$101,300</u>
23	<u>Traffic and Criminal Conviction</u>	
24	<u>Surcharge Fund .....</u>	<u>\$88,500</u>
25	<u>State Surplus Property Revolving Fund .....</u>	<u>\$82,700</u>
26	<u>Natural Areas Acquisition Fund .....</u>	<u>\$65,600</u>
27	<u>Securities Audit and Enforcement Fund .....</u>	<u>\$65,200</u>
28	<u>Agricultural Premium Fund .....</u>	<u>\$63,400</u>
29	<u>Capital Development Fund .....</u>	<u>\$57,500</u>
30	<u>State Gaming Fund .....</u>	<u>\$54,300</u>
31	<u>Underground Storage Tank Fund .....</u>	<u>\$53,700</u>
32	<u>Illinois State Medical Disciplinary Fund .....</u>	<u>\$53,000</u>
33	<u>Personal Property Tax Replacement Fund .....</u>	<u>\$53,000</u>
34	<u>General Professions Dedicated Fund .....</u>	<u>\$51,900</u>
35	<u>Total</u>	<u>\$23,003,100</u>

36 (d-10) Notwithstanding any other provision of State law to

1 the contrary and in addition to any other transfers that may be  
 2 provided for by law, on the first day of each calendar quarter  
 3 of the fiscal year beginning July 1, 2005, or as soon as may be  
 4 practical thereafter, the State Comptroller shall direct and  
 5 the State Treasurer shall transfer from each designated fund  
 6 into the Workers' Compensation Revolving Fund amounts equal to  
 7 one-fourth of each of the following totals:

8	<u>General Revenue Fund</u> .....	<u>\$34,000,000</u>
9	<u>Road Fund</u> .....	<u>\$25,987,000</u>
10	<u>Total</u>	<u>\$59,987,000</u>

11 (e) The term "workers' compensation services" means  
 12 services, claims expenses, and related administrative costs  
 13 incurred in performing the duties under ~~functions consolidated~~  
 14 ~~within the Department of Central Management Services under~~  
 15 Sections 405-105 and Section 405-411 of the Department of  
 16 Central Management Services Law of the Civil Administrative  
 17 Code of Illinois.

18 (Source: P.A. 93-839, eff. 7-30-04.)

19 (30 ILCS 105/6z-65)

20 Sec. 6z-65. The Facilities Management Revolving Fund.

21 (a) The Facilities Management Revolving Fund is created as  
 22 a revolving fund in the State treasury. The following moneys  
 23 shall be deposited into the Fund:

24 (1) amounts authorized for transfer to the Fund from  
 25 the General Revenue Fund and other State funds (except for  
 26 funds classified by the Comptroller as federal trust funds  
 27 or State trust funds) pursuant to State law or Executive  
 28 Order;

29 (2) federal funds received by the Department of Central  
 30 Management Services (the "Department") as a result of  
 31 expenditures from the Fund;

32 (3) interest earned on moneys in the Fund;

33 (4) receipts or inter-fund transfers resulting from  
 34 billings issued by the Department to State agencies for the  
 35 cost of facilities management services rendered by the

1 Department ~~that are not compensated through the specific~~  
2 ~~fund transfers authorized by this Section~~, if any; and

3 (5) fees from the lease, rental, use, or occupancy of  
4 State facilities managed, operated, or maintained by the  
5 Department.

6 (b) Moneys in the Fund may be used by the Department for  
7 reimbursement or payment for:

8 (1) the acquisition and operation of State facilities,  
9 including, without limitation, rental or installment  
10 payments and interest, personal services, utilities,  
11 maintenance, and remodeling; or

12 (2) providing for payment of administrative and other  
13 expenses incurred by the Department in providing  
14 facilities management services.

15 (c) State agencies may direct the Comptroller to process  
16 inter-fund transfers or make payment through the voucher and  
17 warrant process to the Facilities Management Revolving Fund in  
18 satisfaction of billings issued under subsection (a) of this  
19 Section.

20 (d) Reconciliation. For the fiscal year beginning July 1,  
21 2004 only, the ~~The~~ Director of Central Management Services (the  
22 "Director") shall order that each State agency's payments and  
23 transfers made to the Fund be reconciled with actual Fund costs  
24 for facilities management services provided by the Department  
25 ~~and attributable to the State agency and relevant fund~~ on no  
26 less than an annual basis. The Director may require reports  
27 from State agencies as deemed necessary to perform this  
28 reconciliation.

29 (e) The term "facilities management services" means  
30 services performed by the Department in providing for the  
31 acquisition, occupancy, management, and operation of State  
32 owned and leased buildings, facilities, structures, grounds,  
33 or the real property under management of the Department.

34 (Source: P.A. 93-839, eff. 7-30-04.)

1           Sec. 8.3. Money in the Road Fund shall, if and when the  
2 State of Illinois incurs any bonded indebtedness for the  
3 construction of permanent highways, be set aside and used for  
4 the purpose of paying and discharging annually the principal  
5 and interest on that bonded indebtedness then due and payable,  
6 and for no other purpose. The surplus, if any, in the Road Fund  
7 after the payment of principal and interest on that bonded  
8 indebtedness then annually due shall be used as follows:

9           first -- to pay the cost of administration of Chapters  
10           2 through 10 of the Illinois Vehicle Code, except the cost  
11           of administration of Articles I and II of Chapter 3 of that  
12           Code; and

13           secondly -- for expenses of the Department of  
14           Transportation for construction, reconstruction,  
15           improvement, repair, maintenance, operation, and  
16           administration of highways in accordance with the  
17           provisions of laws relating thereto, or for any purpose  
18           related or incident to and connected therewith, including  
19           the separation of grades of those highways with railroads  
20           and with highways and including the payment of awards made  
21           by the Illinois Workers' Compensation Commission under the  
22           terms of the Workers' Compensation Act or Workers'  
23           Occupational Diseases Act for injury or death of an  
24           employee of the Division of Highways in the Department of  
25           Transportation; or for the acquisition of land and the  
26           erection of buildings for highway purposes, including the  
27           acquisition of highway right-of-way or for investigations  
28           to determine the reasonably anticipated future highway  
29           needs; or for making of surveys, plans, specifications and  
30           estimates for and in the construction and maintenance of  
31           flight strips and of highways necessary to provide access  
32           to military and naval reservations, to defense industries  
33           and defense-industry sites, and to the sources of raw  
34           materials and for replacing existing highways and highway  
35           connections shut off from general public use at military  
36           and naval reservations and defense-industry sites, or for

1 the purchase of right-of-way, except that the State shall  
2 be reimbursed in full for any expense incurred in building  
3 the flight strips; or for the operating and maintaining of  
4 highway garages; or for patrolling and policing the public  
5 highways and conserving the peace; or for the operating  
6 expenses of the Department relating to the administration  
7 of public transportation programs; or for any of those  
8 purposes or any other purpose that may be provided by law.

9 Appropriations for any of those purposes are payable from  
10 the Road Fund. Appropriations may also be made from the Road  
11 Fund for the administrative expenses of any State agency that  
12 are related to motor vehicles or arise from the use of motor  
13 vehicles.

14 Beginning with fiscal year 1980 and thereafter, no Road  
15 Fund monies shall be appropriated to the following Departments  
16 or agencies of State government for administration, grants, or  
17 operations; but this limitation is not a restriction upon  
18 appropriating for those purposes any Road Fund monies that are  
19 eligible for federal reimbursement;

20 1. Department of Public Health;

21 2. Department of Transportation, only with respect to  
22 subsidies for one-half fare Student Transportation and  
23 Reduced Fare for Elderly;

24 3. Department of Central Management Services, except  
25 for expenditures incurred for group insurance premiums of  
26 appropriate personnel;

27 4. Judicial Systems and Agencies.

28 Beginning with fiscal year 1981 and thereafter, no Road  
29 Fund monies shall be appropriated to the following Departments  
30 or agencies of State government for administration, grants, or  
31 operations; but this limitation is not a restriction upon  
32 appropriating for those purposes any Road Fund monies that are  
33 eligible for federal reimbursement:

34 1. Department of State Police, except for expenditures  
35 with respect to the Division of Operations;

36 2. Department of Transportation, only with respect to

1 Intercity Rail Subsidies and Rail Freight Services.

2 Beginning with fiscal year 1982 and thereafter, no Road  
3 Fund monies shall be appropriated to the following Departments  
4 or agencies of State government for administration, grants, or  
5 operations; but this limitation is not a restriction upon  
6 appropriating for those purposes any Road Fund monies that are  
7 eligible for federal reimbursement: Department of Central  
8 Management Services, except for awards made by the Illinois  
9 Workers' Compensation Commission under the terms of the  
10 Workers' Compensation Act or Workers' Occupational Diseases  
11 Act for injury or death of an employee of the Division of  
12 Highways in the Department of Transportation.

13 Beginning with fiscal year 1984 and thereafter, no Road  
14 Fund monies shall be appropriated to the following Departments  
15 or agencies of State government for administration, grants, or  
16 operations; but this limitation is not a restriction upon  
17 appropriating for those purposes any Road Fund monies that are  
18 eligible for federal reimbursement:

- 19 1. Department of State Police, except not more than 40%
- 20 of the funds appropriated for the Division of Operations;
- 21 2. State Officers.

22 Beginning with fiscal year 1984 and thereafter, no Road  
23 Fund monies shall be appropriated to any Department or agency  
24 of State government for administration, grants, or operations  
25 except as provided hereafter; but this limitation is not a  
26 restriction upon appropriating for those purposes any Road Fund  
27 monies that are eligible for federal reimbursement. It shall  
28 not be lawful to circumvent the above appropriation limitations  
29 by governmental reorganization or other methods.  
30 Appropriations shall be made from the Road Fund only in  
31 accordance with the provisions of this Section.

32 Money in the Road Fund shall, if and when the State of  
33 Illinois incurs any bonded indebtedness for the construction of  
34 permanent highways, be set aside and used for the purpose of  
35 paying and discharging during each fiscal year the principal  
36 and interest on that bonded indebtedness as it becomes due and

1 payable as provided in the Transportation Bond Act, and for no  
2 other purpose. The surplus, if any, in the Road Fund after the  
3 payment of principal and interest on that bonded indebtedness  
4 then annually due shall be used as follows:

5 first -- to pay the cost of administration of Chapters  
6 2 through 10 of the Illinois Vehicle Code; and

7 secondly -- no Road Fund monies derived from fees,  
8 excises, or license taxes relating to registration,  
9 operation and use of vehicles on public highways or to  
10 fuels used for the propulsion of those vehicles, shall be  
11 appropriated or expended other than for costs of  
12 administering the laws imposing those fees, excises, and  
13 license taxes, statutory refunds and adjustments allowed  
14 thereunder, administrative costs of the Department of  
15 Transportation, including, but not limited to, the  
16 operating expenses of the Department relating to the  
17 administration of public transportation programs, payment  
18 of debts and liabilities incurred in construction and  
19 reconstruction of public highways and bridges, acquisition  
20 of rights-of-way for and the cost of construction,  
21 reconstruction, maintenance, repair, and operation of  
22 public highways and bridges under the direction and  
23 supervision of the State, political subdivision, or  
24 municipality collecting those monies, and the costs for  
25 patrolling and policing the public highways (by State,  
26 political subdivision, or municipality collecting that  
27 money) for enforcement of traffic laws. The separation of  
28 grades of such highways with railroads and costs associated  
29 with protection of at-grade highway and railroad crossing  
30 shall also be permissible.

31 Appropriations for any of such purposes are payable from  
32 the Road Fund or the Grade Crossing Protection Fund as provided  
33 in Section 8 of the Motor Fuel Tax Law.

34 Except as provided in this paragraph, beginning with fiscal  
35 year 1991 and thereafter, no Road Fund monies shall be  
36 appropriated to the Department of State Police for the purposes

1 of this Section in excess of its total fiscal year 1990 Road  
 2 Fund appropriations for those purposes unless otherwise  
 3 provided in Section 5g of this Act. For fiscal years 2003,  
 4 2004, ~~and 2005,~~ and 2006 only, no Road Fund monies shall be  
 5 appropriated to the Department of State Police for the purposes  
 6 of this Section in excess of \$97,310,000. It shall not be  
 7 lawful to circumvent this limitation on appropriations by  
 8 governmental reorganization or other methods unless otherwise  
 9 provided in Section 5g of this Act.

10 In fiscal year 1994, no Road Fund monies shall be  
 11 appropriated to the Secretary of State for the purposes of this  
 12 Section in excess of the total fiscal year 1991 Road Fund  
 13 appropriations to the Secretary of State for those purposes,  
 14 plus \$9,800,000. It shall not be lawful to circumvent this  
 15 limitation on appropriations by governmental reorganization or  
 16 other method.

17 Beginning with fiscal year 1995 and thereafter, no Road  
 18 Fund monies shall be appropriated to the Secretary of State for  
 19 the purposes of this Section in excess of the total fiscal year  
 20 1994 Road Fund appropriations to the Secretary of State for  
 21 those purposes. It shall not be lawful to circumvent this  
 22 limitation on appropriations by governmental reorganization or  
 23 other methods.

24 Beginning with fiscal year 2000, total Road Fund  
 25 appropriations to the Secretary of State for the purposes of  
 26 this Section shall not exceed the amounts specified for the  
 27 following fiscal years:

28	Fiscal Year 2000	\$80,500,000;
29	Fiscal Year 2001	\$80,500,000;
30	Fiscal Year 2002	\$80,500,000;
31	Fiscal Year 2003	\$130,500,000;
32	Fiscal Year 2004	\$130,500,000;
33	Fiscal Year 2005	\$130,500,000;
34	<u>Fiscal Year 2006</u>	<u>\$130,500,000;</u>
35	Fiscal Year <u>2007</u> <del>2006</del> and	
36	each year thereafter	\$30,500,000.

1 It shall not be lawful to circumvent this limitation on  
2 appropriations by governmental reorganization or other  
3 methods.

4 No new program may be initiated in fiscal year 1991 and  
5 thereafter that is not consistent with the limitations imposed  
6 by this Section for fiscal year 1984 and thereafter, insofar as  
7 appropriation of Road Fund monies is concerned.

8 Nothing in this Section prohibits transfers from the Road  
9 Fund to the State Construction Account Fund under Section 5e of  
10 this Act; nor to the General Revenue Fund, as authorized by  
11 this amendatory Act of the 93rd General Assembly.

12 The additional amounts authorized for expenditure in this  
13 Section by Public Acts 92-0600, ~~and~~ 93-0025, and 93-0839 shall  
14 be repaid to the Road Fund from the General Revenue Fund in the  
15 next succeeding fiscal year that the General Revenue Fund has a  
16 positive budgetary balance, as determined by generally  
17 accepted accounting principles applicable to government.

18 The additional amounts authorized for expenditure by the  
19 Secretary of State and the Department of State Police in this  
20 Section by this amendatory Act of the 94th General Assembly and  
21 the 93rd General Assembly shall be repaid to the Road Fund from  
22 the General Revenue Fund in the next succeeding fiscal year  
23 that the General Revenue Fund has a positive budgetary balance,  
24 as determined by generally accepted accounting principles  
25 applicable to government.

26 (Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03;  
27 93-721, eff. 1-1-05; 93-839, eff. 7-30-04; revised 10-25-04.)

28 (30 ILCS 105/8.33) (from Ch. 127, par. 144.33)

29 Sec. 8.33. Expenses incident to leasing or use of State  
30 facilities.

31 (a) All expenses incident to the leasing or use of the  
32 State facilities listed in Section 405-315 of the Department of  
33 Central Management Services Law (20 ILCS 405/405-315) for lease  
34 or use terms not exceeding 30 days in length shall be payable  
35 from the Special Events Revolving Fund.

1 Expenses incident to the lease or use of the State  
2 facilities listed in Section 405-315 of the Department of  
3 Central Management Services Law (20 ILCS 405/405-315) shall  
4 include expenditures for additional commodities, equipment,  
5 furniture, improvements, personal services or other expenses  
6 required by the Department of Central Management Services to  
7 make such facilities available to the public and State  
8 employees.

9 (b) The Special Events Revolving Fund shall cease to exist  
10 on October 1, 2005. Any balance in the Fund as of that date  
11 shall be transferred to the Facilities Management Revolving  
12 Fund. Any moneys that otherwise would be paid into the Fund on  
13 or after that date shall be deposited into the Facilities  
14 Management Revolving Fund. Any disbursements on or after that  
15 date that otherwise would be made from the Fund shall be made  
16 from the Facilities Management Revolving Fund.

17 (Source: P.A. 91-239, eff. 1-1-00.)

18 (30 ILCS 105/8g)

19 Sec. 8g. Fund transfers.

20 (a) In addition to any other transfers that may be provided  
21 for by law, as soon as may be practical after the effective  
22 date of this amendatory Act of the 91st General Assembly, the  
23 State Comptroller shall direct and the State Treasurer shall  
24 transfer the sum of \$10,000,000 from the General Revenue Fund  
25 to the Motor Vehicle License Plate Fund created by Senate Bill  
26 1028 of the 91st General Assembly.

27 (b) In addition to any other transfers that may be provided  
28 for by law, as soon as may be practical after the effective  
29 date of this amendatory Act of the 91st General Assembly, the  
30 State Comptroller shall direct and the State Treasurer shall  
31 transfer the sum of \$25,000,000 from the General Revenue Fund  
32 to the Fund for Illinois' Future created by Senate Bill 1066 of  
33 the 91st General Assembly.

34 (c) In addition to any other transfers that may be provided  
35 for by law, on August 30 of each fiscal year's license period,

1 the Illinois Liquor Control Commission shall direct and the  
2 State Comptroller and State Treasurer shall transfer from the  
3 General Revenue Fund to the Youth Alcoholism and Substance  
4 Abuse Prevention Fund an amount equal to the number of retail  
5 liquor licenses issued for that fiscal year multiplied by \$50.

6 (d) The payments to programs required under subsection (d)  
7 of Section 28.1 of the Horse Racing Act of 1975 shall be made,  
8 pursuant to appropriation, from the special funds referred to  
9 in the statutes cited in that subsection, rather than directly  
10 from the General Revenue Fund.

11 Beginning January 1, 2000, on the first day of each month,  
12 or as soon as may be practical thereafter, the State  
13 Comptroller shall direct and the State Treasurer shall transfer  
14 from the General Revenue Fund to each of the special funds from  
15 which payments are to be made under Section 28.1(d) of the  
16 Horse Racing Act of 1975 an amount equal to 1/12 of the annual  
17 amount required for those payments from that special fund,  
18 which annual amount shall not exceed the annual amount for  
19 those payments from that special fund for the calendar year  
20 1998. The special funds to which transfers shall be made under  
21 this subsection (d) include, but are not necessarily limited  
22 to, the Agricultural Premium Fund; the Metropolitan Exposition  
23 Auditorium and Office Building Fund; the Fair and Exposition  
24 Fund; the Standardbred Breeders Fund; the Thoroughbred  
25 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

26 (e) In addition to any other transfers that may be provided  
27 for by law, as soon as may be practical after the effective  
28 date of this amendatory Act of the 91st General Assembly, but  
29 in no event later than June 30, 2000, the State Comptroller  
30 shall direct and the State Treasurer shall transfer the sum of  
31 \$15,000,000 from the General Revenue Fund to the Fund for  
32 Illinois' Future.

33 (f) In addition to any other transfers that may be provided  
34 for by law, as soon as may be practical after the effective  
35 date of this amendatory Act of the 91st General Assembly, but  
36 in no event later than June 30, 2000, the State Comptroller

1 shall direct and the State Treasurer shall transfer the sum of  
2 \$70,000,000 from the General Revenue Fund to the Long-Term Care  
3 Provider Fund.

4 (f-1) In fiscal year 2002, in addition to any other  
5 transfers that may be provided for by law, at the direction of  
6 and upon notification from the Governor, the State Comptroller  
7 shall direct and the State Treasurer shall transfer amounts not  
8 exceeding a total of \$160,000,000 from the General Revenue Fund  
9 to the Long-Term Care Provider Fund.

10 (g) In addition to any other transfers that may be provided  
11 for by law, on July 1, 2001, or as soon thereafter as may be  
12 practical, the State Comptroller shall direct and the State  
13 Treasurer shall transfer the sum of \$1,200,000 from the General  
14 Revenue Fund to the Violence Prevention Fund.

15 (h) In each of fiscal years 2002 through 2004, but not  
16 thereafter, in addition to any other transfers that may be  
17 provided for by law, the State Comptroller shall direct and the  
18 State Treasurer shall transfer \$5,000,000 from the General  
19 Revenue Fund to the Tourism Promotion Fund.

20 (i) On or after July 1, 2001 and until May 1, 2002, in  
21 addition to any other transfers that may be provided for by  
22 law, at the direction of and upon notification from the  
23 Governor, the State Comptroller shall direct and the State  
24 Treasurer shall transfer amounts not exceeding a total of  
25 \$80,000,000 from the General Revenue Fund to the Tobacco  
26 Settlement Recovery Fund. Any amounts so transferred shall be  
27 re-transferred by the State Comptroller and the State Treasurer  
28 from the Tobacco Settlement Recovery Fund to the General  
29 Revenue Fund at the direction of and upon notification from the  
30 Governor, but in any event on or before June 30, 2002.

31 (i-1) On or after July 1, 2002 and until May 1, 2003, in  
32 addition to any other transfers that may be provided for by  
33 law, at the direction of and upon notification from the  
34 Governor, the State Comptroller shall direct and the State  
35 Treasurer shall transfer amounts not exceeding a total of  
36 \$80,000,000 from the General Revenue Fund to the Tobacco

1 Settlement Recovery Fund. Any amounts so transferred shall be  
 2 re-transferred by the State Comptroller and the State Treasurer  
 3 from the Tobacco Settlement Recovery Fund to the General  
 4 Revenue Fund at the direction of and upon notification from the  
 5 Governor, but in any event on or before June 30, 2003.

6 (j) On or after July 1, 2001 and no later than June 30,  
 7 2002, in addition to any other transfers that may be provided  
 8 for by law, at the direction of and upon notification from the  
 9 Governor, the State Comptroller shall direct and the State  
 10 Treasurer shall transfer amounts not to exceed the following  
 11 sums into the Statistical Services Revolving Fund:

12	From the General Revenue Fund .....	\$8,450,000
13	From the Public Utility Fund .....	1,700,000
14	From the Transportation Regulatory Fund .....	2,650,000
15	From the Title III Social Security and	
16	Employment Fund .....	3,700,000
17	From the Professions Indirect Cost Fund .....	4,050,000
18	From the Underground Storage Tank Fund .....	550,000
19	From the Agricultural Premium Fund .....	750,000
20	From the State Pensions Fund .....	200,000
21	From the Road Fund .....	2,000,000
22	From the Health Facilities	
23	Planning Fund .....	1,000,000
24	From the Savings and Residential Finance	
25	Regulatory Fund .....	130,800
26	From the Appraisal Administration Fund .....	28,600
27	From the Pawnbroker Regulation Fund .....	3,600
28	From the Auction Regulation	
29	Administration Fund .....	35,800
30	From the Bank and Trust Company Fund.....	634,800
31	From the Real Estate License	
32	Administration Fund .....	313,600

33 (k) In addition to any other transfers that may be provided  
 34 for by law, as soon as may be practical after the effective  
 35 date of this amendatory Act of the 92nd General Assembly, the  
 36 State Comptroller shall direct and the State Treasurer shall

1 transfer the sum of \$2,000,000 from the General Revenue Fund to  
2 the Teachers Health Insurance Security Fund.

3 (k-1) In addition to any other transfers that may be  
4 provided for by law, on July 1, 2002, or as soon as may be  
5 practical thereafter, the State Comptroller shall direct and  
6 the State Treasurer shall transfer the sum of \$2,000,000 from  
7 the General Revenue Fund to the Teachers Health Insurance  
8 Security Fund.

9 (k-2) In addition to any other transfers that may be  
10 provided for by law, on July 1, 2003, or as soon as may be  
11 practical thereafter, the State Comptroller shall direct and  
12 the State Treasurer shall transfer the sum of \$2,000,000 from  
13 the General Revenue Fund to the Teachers Health Insurance  
14 Security Fund.

15 (k-3) On or after July 1, 2002 and no later than June 30,  
16 2003, in addition to any other transfers that may be provided  
17 for by law, at the direction of and upon notification from the  
18 Governor, the State Comptroller shall direct and the State  
19 Treasurer shall transfer amounts not to exceed the following  
20 sums into the Statistical Services Revolving Fund:

21	Appraisal Administration Fund .....	\$150,000
22	General Revenue Fund .....	10,440,000
23	Savings and Residential Finance	
24	Regulatory Fund .....	200,000
25	State Pensions Fund .....	100,000
26	Bank and Trust Company Fund .....	100,000
27	Professions Indirect Cost Fund .....	3,400,000
28	Public Utility Fund .....	2,081,200
29	Real Estate License Administration Fund .....	150,000
30	Title III Social Security and	
31	Employment Fund .....	1,000,000
32	Transportation Regulatory Fund .....	3,052,100
33	Underground Storage Tank Fund .....	50,000

34 (l) In addition to any other transfers that may be provided  
35 for by law, on July 1, 2002, or as soon as may be practical  
36 thereafter, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$3,000,000 from the General  
2 Revenue Fund to the Presidential Library and Museum Operating  
3 Fund.

4 (m) In addition to any other transfers that may be provided  
5 for by law, on July 1, 2002 and on the effective date of this  
6 amendatory Act of the 93rd General Assembly, or as soon  
7 thereafter as may be practical, the State Comptroller shall  
8 direct and the State Treasurer shall transfer the sum of  
9 \$1,200,000 from the General Revenue Fund to the Violence  
10 Prevention Fund.

11 (n) In addition to any other transfers that may be provided  
12 for by law, on July 1, 2003, or as soon thereafter as may be  
13 practical, the State Comptroller shall direct and the State  
14 Treasurer shall transfer the sum of \$6,800,000 from the General  
15 Revenue Fund to the DHS Recoveries Trust Fund.

16 (o) On or after July 1, 2003, and no later than June 30,  
17 2004, in addition to any other transfers that may be provided  
18 for by law, at the direction of and upon notification from the  
19 Governor, the State Comptroller shall direct and the State  
20 Treasurer shall transfer amounts not to exceed the following  
21 sums into the Vehicle Inspection Fund:

22 From the Underground Storage Tank Fund ..... \$35,000,000.

23 (p) On or after July 1, 2003 and until May 1, 2004, in  
24 addition to any other transfers that may be provided for by  
25 law, at the direction of and upon notification from the  
26 Governor, the State Comptroller shall direct and the State  
27 Treasurer shall transfer amounts not exceeding a total of  
28 \$80,000,000 from the General Revenue Fund to the Tobacco  
29 Settlement Recovery Fund. Any amounts so transferred shall be  
30 re-transferred from the Tobacco Settlement Recovery Fund to the  
31 General Revenue Fund at the direction of and upon notification  
32 from the Governor, but in any event on or before June 30, 2004.

33 (q) In addition to any other transfers that may be provided  
34 for by law, on July 1, 2003, or as soon as may be practical  
35 thereafter, the State Comptroller shall direct and the State  
36 Treasurer shall transfer the sum of \$5,000,000 from the General

1 Revenue Fund to the Illinois Military Family Relief Fund.

2 (r) In addition to any other transfers that may be provided  
3 for by law, on July 1, 2003, or as soon as may be practical  
4 thereafter, the State Comptroller shall direct and the State  
5 Treasurer shall transfer the sum of \$1,922,000 from the General  
6 Revenue Fund to the Presidential Library and Museum Operating  
7 Fund.

8 (s) In addition to any other transfers that may be provided  
9 for by law, on or after July 1, 2003, the State Comptroller  
10 shall direct and the State Treasurer shall transfer the sum of  
11 \$4,800,000 from the Statewide Economic Development Fund to the  
12 General Revenue Fund.

13 (t) In addition to any other transfers that may be provided  
14 for by law, on or after July 1, 2003, the State Comptroller  
15 shall direct and the State Treasurer shall transfer the sum of  
16 \$50,000,000 from the General Revenue Fund to the Budget  
17 Stabilization Fund.

18 (u) On or after July 1, 2004 and until May 1, 2005, in  
19 addition to any other transfers that may be provided for by  
20 law, at the direction of and upon notification from the  
21 Governor, the State Comptroller shall direct and the State  
22 Treasurer shall transfer amounts not exceeding a total of  
23 \$80,000,000 from the General Revenue Fund to the Tobacco  
24 Settlement Recovery Fund. Any amounts so transferred shall be  
25 retransferred by the State Comptroller and the State Treasurer  
26 from the Tobacco Settlement Recovery Fund to the General  
27 Revenue Fund at the direction of and upon notification from the  
28 Governor, but in any event on or before June 30, 2005.

29 (v) In addition to any other transfers that may be provided  
30 for by law, on July 1, 2004, or as soon thereafter as may be  
31 practical, the State Comptroller shall direct and the State  
32 Treasurer shall transfer the sum of \$1,200,000 from the General  
33 Revenue Fund to the Violence Prevention Fund.

34 (w) In addition to any other transfers that may be provided  
35 for by law, on July 1, 2004, or as soon thereafter as may be  
36 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$6,445,000 from the General  
2 Revenue Fund to the Presidential Library and Museum Operating  
3 Fund.

4 (x) In addition to any other transfers that may be provided  
5 for by law, on January 15, 2005, or as soon thereafter as may  
6 be practical, the State Comptroller shall direct and the State  
7 Treasurer shall transfer to the General Revenue Fund the  
8 following sums:

9 From the State Crime Laboratory Fund, \$200,000;

10 From the State Police Wireless Service Emergency Fund,  
11 \$200,000;

12 From the State Offender DNA Identification System  
13 Fund, \$800,000; and

14 From the State Police Whistleblower Reward and  
15 Protection Fund, \$500,000.

16 (y) Notwithstanding any other provision of law to the  
17 contrary, in addition to any other transfers that may be  
18 provided for by law on June 30, 2005, or as soon as may be  
19 practical thereafter, the State Comptroller shall direct and  
20 the State Treasurer shall transfer the remaining balance from  
21 the designated funds into the General Revenue Fund and any  
22 future deposits that would otherwise be made into these funds  
23 must instead be made into the General Revenue Fund:

24 (1) the Keep Illinois Beautiful Fund;

25 (2) the Metropolitan Fair and Exposition Authority  
26 Reconstruction Fund;

27 (3) the New Technology Recovery Fund;

28 (4) the Illinois Rural Bond Bank Trust Fund;

29 (5) the ISBE School Bus Driver Permit Fund;

30 (6) the Solid Waste Management Revolving Loan Fund;

31 (7) the State Postsecondary Review Program Fund;

32 (8) the Tourism Attraction Development Matching Grant  
33 Fund;

34 (9) the Patent and Copyright Fund;

35 (10) the Credit Enhancement Development Fund;

36 (11) the Community Mental Health and Developmental

1 Disabilities Services Provider Participation Fee Trust  
2 Fund;

3 (12) the Nursing Home Grant Assistance Fund;

4 (13) the By-product Material Safety Fund;

5 (14) the Illinois Student Assistance Commission Higher  
6 EdNet Fund;

7 (15) the DORS State Project Fund;

8 (16) the School Technology Revolving Fund;

9 (17) the Energy Assistance Contribution Fund;

10 (18) the Illinois Building Commission Revolving Fund;

11 (19) the Illinois Aquaculture Development Fund;

12 (20) the Homelessness Prevention Fund;

13 (21) the DCFS Refugee Assistance Fund;

14 (22) the Illinois Century Network Special Purposes  
15 Fund; and

16 (23) the Build Illinois Purposes Fund.

17 (z) In addition to any other transfers that may be provided  
18 for by law, on July 1, 2005, or as soon as may be practical  
19 thereafter, the State Comptroller shall direct and the State  
20 Treasurer shall transfer the sum of \$1,200,000 from the General  
21 Revenue Fund to the Violence Prevention Fund.

22 (aa) In addition to any other transfers that may be  
23 provided for by law, on July 1, 2005, or as soon as may be  
24 practical thereafter, the State Comptroller shall direct and  
25 the State Treasurer shall transfer the sum of \$9,000,000 from  
26 the General Revenue Fund to the Presidential Library and Museum  
27 Operating Fund.

28 (bb) In addition to any other transfers that may be  
29 provided for by law, on July 1, 2005, or as soon as may be  
30 practical thereafter, the State Comptroller shall direct and  
31 the State Treasurer shall transfer the sum of \$6,803,600 from  
32 the General Revenue Fund to the Securities Audit and  
33 Enforcement Fund.

34 (cc) In addition to any other transfers that may be  
35 provided for by law, on or after July 1, 2005 and until May 1,  
36 2006, at the direction of and upon notification from the

1 Governor, the State Comptroller shall direct and the State  
2 Treasurer shall transfer amounts not exceeding a total of  
3 \$80,000,000 from the General Revenue Fund to the Tobacco  
4 Settlement Recovery Fund. Any amounts so transferred shall be  
5 re-transferred by the State Comptroller and the State Treasurer  
6 from the Tobacco Settlement Recovery Fund to the General  
7 Revenue Fund at the direction of and upon notification from the  
8 Governor, but in any event on or before June 30, 2006.

9 (Source: P.A. 92-11, eff. 6-11-01; 92-505, eff. 12-20-01;  
10 92-600, eff. 6-28-02; 93-32, eff. 6-20-03; 93-648, eff. 1-8-04;  
11 93-839, eff. 7-30-04; 93-1067, eff. 1-15-05.)

12 (30 ILCS 105/15a) (from Ch. 127, par. 151a)

13 Sec. 15a. Contractual services. The item "contractual  
14 services", when used in an appropriation act, means and  
15 includes:

16 (a) Expenditures incident to the current conduct and  
17 operation of an office, department, board, commission,  
18 institution or agency for postage and postal charges,  
19 surety bond premiums, publications, subscriptions, office  
20 conveniences and services, exclusive of commodities as  
21 herein defined;

22 (b) Expenditures for rental of property or equipment,  
23 repair or maintenance of property or equipment including  
24 related supplies, equipment, materials, services,  
25 replacement fixtures and repair parts, utility services,  
26 professional or technical services, moving expenses  
27 incident to a new State employment, and transportation  
28 charges exclusive of "travel" as herein defined;

29 (c) Expenditures for the rental of lodgings in  
30 Springfield, Illinois and for the payment of utilities used  
31 in connection with such lodgings for all elected State  
32 officials, who are required by Section 1, Article V of the  
33 Constitution of the State of Illinois to reside at the seat  
34 of government during their term of office;

35 (d) Expenditures pursuant to multi-year lease,

1 lease-purchase or installment purchase contracts for  
2 duplicating equipment authorized by Section 5.1 of the  
3 Illinois Purchasing Act;

4 (e) Expenditures of \$5,000 or less per project for  
5 improvements to real property which, except for the  
6 operation of this Section, would be classified as  
7 "permanent improvements" as defined in Section 21;

8 (f) Expenditures pursuant to multi-year lease,  
9 lease-purchase or installment purchase contracts for land,  
10 permanent improvements or fixtures.

11 (g) Expenditures for facilities management,  
12 communication, information technology, and professional  
13 services provided by the Department of Central Management  
14 Services pursuant to the Department of Central Management  
15 Services Law of the Civil Administrative Code of Illinois.

16 The item "contractual services" does not, however, include  
17 any expenditures included in "operation of automotive  
18 equipment" as defined in Section 24.2.

19 The item "contractual services" does not include any  
20 expenditures for professional, technical, or other services  
21 performed for a State agency under a contract executed after  
22 July 1, 1992 by a person who was formerly employed by that  
23 agency and has received any early retirement incentive under  
24 Section 14-108.3 or 16-133.3 of the Illinois Pension Code based  
25 on retirement before 1993, unless the official or employee  
26 executing the contract on behalf of the agency has certified  
27 that the person performing the services either (i) possesses  
28 unique expertise, or (ii) is essential to the operation of the  
29 agency. This certification must be filed with the Office of the  
30 Auditor General prior to the execution of the contract, and  
31 shall be made available by that Office for public inspection  
32 and copying. The item "contractual services" does not include  
33 any expenditures for professional, technical, or other  
34 services performed for a State agency under a contract executed  
35 after the effective date of this amendatory Act of the 92nd  
36 General Assembly by a person who has received any early

1 retirement incentive under Section 14-108.3 or 16-133.3 of the  
2 Illinois Pension Code based on retirement in 2002 or later. A  
3 contract not payable from the contractual services item because  
4 of this paragraph shall not be payable from any other item of  
5 appropriation. For the purposes of this paragraph, the term  
6 "agency" includes all offices, boards, commissions,  
7 departments, agencies, and institutions of State government.  
8 (Source: P.A. 91-357, eff. 7-29-99; 92-566, eff. 6-25-02.)

9 ARTICLE 26

10 Section 26-5. The Children and Family Services Act is  
11 amended by changing Section 22.2 as follows:

12 (20 ILCS 505/22.2) (from Ch. 23, par. 5022.2)

13 Sec. 22.2. To provide training programs for the provision  
14 of foster care and adoptive care services. Training provided to  
15 foster parents shall include training and information on their  
16 right to be heard, to bring a mandamus action, and to intervene  
17 in juvenile court as set forth under subsection (2) of Section  
18 1-5 of the Juvenile Court Act of 1987 and the availability of  
19 the hotline established under Section 35.6 of this Act, that  
20 foster parents may use to report incidents of misconduct or  
21 violation of rules by Department employees, service providers,  
22 or contractors. ~~Monies for such training programs shall be  
23 derived from the Department of Children and Family Services  
24 Training Fund, hereby created in the State Treasury. Deposits  
25 to this fund shall consist of federal financial participation  
26 in foster care and adoption care training programs, public and  
27 unsolicited private grants and fees for such training, and  
28 royalties earned from the publication of materials owned by or  
29 licensed to the Department. In addition, with the approval of  
30 the Governor, the Department may transfer amounts not exceeding  
31 \$2,000,000 in each fiscal year from the DCFS Children's  
32 Services Fund to the Department of Children and Family Services  
33 Training Fund. Disbursements from the Department of Children~~

1 ~~and Family Services Training Fund shall be made by the~~  
2 ~~Department for foster care and adoptive care training services~~  
3 ~~in accordance with federal standards.~~

4 (Source: P.A. 91-712, eff. 7-1-00; 92-321, eff. 1-1-02.)

5 Section 26-10. The State Finance Act is amended by changing  
6 Section 8.27 as follows:

7 (30 ILCS 105/8.27) (from Ch. 127, par. 144.27)

8 Sec. 8.27. All receipts from federal financial  
9 participation in the Foster Care and Adoption Services program  
10 under Title IV-E of the federal Social Security Act, including  
11 receipts for related indirect costs, ~~but excluding receipts~~  
12 ~~from federal financial participation in such Title IV-E Foster~~  
13 ~~Care and Adoption Training program,~~ shall be deposited in the  
14 DCFS Children's Services Fund.

15 Eighty percent of the federal funds received by the  
16 Illinois Department of Human Services under the Title IV-A  
17 Emergency Assistance program as reimbursement for expenditures  
18 made from the Illinois Department of Children and Family  
19 Services appropriations for the costs of services in behalf of  
20 Department of Children and Family Services clients shall be  
21 deposited into the DCFS Children's Services Fund.

22 All receipts from federal financial participation in the  
23 Child Welfare Services program under Title IV-B of the federal  
24 Social Security Act, including receipts for related indirect  
25 costs, shall be deposited into the DCFS Children's Services  
26 Fund for those moneys received as reimbursement for services  
27 provided on or after July 1, 1994.

28 In addition, as soon as may be practicable after the first  
29 day of November, 1994, the Department of Children and Family  
30 Services shall request the Comptroller to order transferred and  
31 the Treasurer shall transfer the unexpended balance of the  
32 Child Welfare Services Fund to the DCFS Children's Services  
33 Fund. Upon completion of the transfer, the Child Welfare  
34 Services Fund will be considered dissolved and any outstanding

1 obligations or liabilities of that fund will pass to the DCFS  
2 Children's Services Fund.

3 Monies in the Fund may be used by the Department, pursuant  
4 to appropriation by the General Assembly, for the ordinary and  
5 contingent expenses of the Department.

6 In fiscal year 1988 and in each fiscal year thereafter  
7 through fiscal year 2000, the Comptroller shall order  
8 transferred and the Treasurer shall transfer an amount of  
9 \$16,100,000 from the DCFS Children's Services Fund to the  
10 General Revenue Fund in the following manner: As soon as may be  
11 practicable after the 15th day of September, December, March  
12 and June, the Comptroller shall order transferred and the  
13 Treasurer shall transfer, to the extent that funds are  
14 available, 1/4 of \$16,100,000, plus any cumulative  
15 deficiencies in such transfers for prior transfer dates during  
16 such fiscal year. In no event shall any such transfer reduce  
17 the available balance in the DCFS Children's Services Fund  
18 below \$350,000.

19 In accordance with subsection (q) of Section 5 of the  
20 Children and Family Services Act, disbursements from  
21 individual children's accounts shall be deposited into the DCFS  
22 Children's Services Fund.

23 Receipts from public and unsolicited private grants, fees  
24 for training, and royalties earned from the publication of  
25 materials owned by or licensed to the Department of Children  
26 and Family Services shall be deposited into the DCFS Children's  
27 Services Fund.

28 As soon as may be practical after September 1, 2005, upon  
29 the request of the Department of Children and Family Services,  
30 the Comptroller shall order transferred and the Treasurer shall  
31 transfer the unexpended balance of the Department of Children  
32 and Family Services Training Fund into the DCFS Children's  
33 Services Fund. Upon completion of the transfer, the Department  
34 of Children and Family Services Training Fund is dissolved and  
35 any outstanding obligations or liabilities of that Fund pass to  
36 the DCFS Children's Services Fund.

1 (Source: P.A. 91-712, eff. 7-1-00.)

2 ARTICLE 27

3 Section 27-5. The Illinois Income Tax Act is amended by  
4 changing Section 901 as follows:

5 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

6 Sec. 901. Collection Authority.

7 (a) In general.

8 The Department shall collect the taxes imposed by this Act.  
9 The Department shall collect certified past due child support  
10 amounts under Section 2505-650 of the Department of Revenue Law  
11 (20 ILCS 2505/2505-650). Except as provided in subsections (c)  
12 and (e) of this Section, money collected pursuant to  
13 subsections (a) and (b) of Section 201 of this Act shall be  
14 paid into the General Revenue Fund in the State treasury; money  
15 collected pursuant to subsections (c) and (d) of Section 201 of  
16 this Act shall be paid into the Personal Property Tax  
17 Replacement Fund, a special fund in the State Treasury; and  
18 money collected under Section 2505-650 of the Department of  
19 Revenue Law (20 ILCS 2505/2505-650) shall be paid into the  
20 Child Support Enforcement Trust Fund, a special fund outside  
21 the State Treasury, or to the State Disbursement Unit  
22 established under Section 10-26 of the Illinois Public Aid  
23 Code, as directed by the Department of Public Aid.

24 (b) Local Governmental Distributive Fund.

25 Beginning August 1, 1969, and continuing through June 30,  
26 1994, the Treasurer shall transfer each month from the General  
27 Revenue Fund to a special fund in the State treasury, to be  
28 known as the "Local Government Distributive Fund", an amount  
29 equal to 1/12 of the net revenue realized from the tax imposed  
30 by subsections (a) and (b) of Section 201 of this Act during  
31 the preceding month. Beginning July 1, 1994, and continuing  
32 through June 30, 1995, the Treasurer shall transfer each month  
33 from the General Revenue Fund to the Local Government

1 Distributive Fund an amount equal to 1/11 of the net revenue  
2 realized from the tax imposed by subsections (a) and (b) of  
3 Section 201 of this Act during the preceding month. Beginning  
4 July 1, 1995, the Treasurer shall transfer each month from the  
5 General Revenue Fund to the Local Government Distributive Fund  
6 an amount equal to the net of (i) 1/10 of the net revenue  
7 realized from the tax imposed by subsections (a) and (b) of  
8 Section 201 of the Illinois Income Tax Act during the preceding  
9 month (ii) minus, beginning July 1, 2003 and ending June 30,  
10 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue  
11 realized for a month shall be defined as the revenue from the  
12 tax imposed by subsections (a) and (b) of Section 201 of this  
13 Act which is deposited in the General Revenue Fund, the  
14 Educational Assistance Fund and the Income Tax Surcharge Local  
15 Government Distributive Fund during the month minus the amount  
16 paid out of the General Revenue Fund in State warrants during  
17 that same month as refunds to taxpayers for overpayment of  
18 liability under the tax imposed by subsections (a) and (b) of  
19 Section 201 of this Act.

20 (c) Deposits Into Income Tax Refund Fund.

21 (1) Beginning on January 1, 1989 and thereafter, the  
22 Department shall deposit a percentage of the amounts  
23 collected pursuant to subsections (a) and (b)(1), (2), and  
24 (3), of Section 201 of this Act into a fund in the State  
25 treasury known as the Income Tax Refund Fund. The  
26 Department shall deposit 6% of such amounts during the  
27 period beginning January 1, 1989 and ending on June 30,  
28 1989. Beginning with State fiscal year 1990 and for each  
29 fiscal year thereafter, the percentage deposited into the  
30 Income Tax Refund Fund during a fiscal year shall be the  
31 Annual Percentage. For fiscal years 1999 through 2001, the  
32 Annual Percentage shall be 7.1%. For fiscal year 2003, the  
33 Annual Percentage shall be 8%. For fiscal year 2004, the  
34 Annual Percentage shall be 11.7%. Upon the effective date  
35 of this amendatory Act of the 93rd General Assembly, the  
36 Annual Percentage shall be 10% for fiscal year 2005. For

1 fiscal year 2006, the Annual Percentage shall be 9.75%. For  
2 all other fiscal years, the Annual Percentage shall be  
3 calculated as a fraction, the numerator of which shall be  
4 the amount of refunds approved for payment by the  
5 Department during the preceding fiscal year as a result of  
6 overpayment of tax liability under subsections (a) and  
7 (b) (1), (2), and (3) of Section 201 of this Act plus the  
8 amount of such refunds remaining approved but unpaid at the  
9 end of the preceding fiscal year, minus the amounts  
10 transferred into the Income Tax Refund Fund from the  
11 Tobacco Settlement Recovery Fund, and the denominator of  
12 which shall be the amounts which will be collected pursuant  
13 to subsections (a) and (b) (1), (2), and (3) of Section 201  
14 of this Act during the preceding fiscal year; except that  
15 in State fiscal year 2002, the Annual Percentage shall in  
16 no event exceed 7.6%. The Director of Revenue shall certify  
17 the Annual Percentage to the Comptroller on the last  
18 business day of the fiscal year immediately preceding the  
19 fiscal year for which it is to be effective.

20 (2) Beginning on January 1, 1989 and thereafter, the  
21 Department shall deposit a percentage of the amounts  
22 collected pursuant to subsections (a) and (b) (6), (7), and  
23 (8), (c) and (d) of Section 201 of this Act into a fund in  
24 the State treasury known as the Income Tax Refund Fund. The  
25 Department shall deposit 18% of such amounts during the  
26 period beginning January 1, 1989 and ending on June 30,  
27 1989. Beginning with State fiscal year 1990 and for each  
28 fiscal year thereafter, the percentage deposited into the  
29 Income Tax Refund Fund during a fiscal year shall be the  
30 Annual Percentage. For fiscal years 1999, 2000, and 2001,  
31 the Annual Percentage shall be 19%. For fiscal year 2003,  
32 the Annual Percentage shall be 27%. For fiscal year 2004,  
33 the Annual Percentage shall be 32%. Upon the effective date  
34 of this amendatory Act of the 93rd General Assembly, the  
35 Annual Percentage shall be 24% for fiscal year 2005. For  
36 fiscal year 2006, the Annual Percentage shall be 20%. For

1 all other fiscal years, the Annual Percentage shall be  
2 calculated as a fraction, the numerator of which shall be  
3 the amount of refunds approved for payment by the  
4 Department during the preceding fiscal year as a result of  
5 overpayment of tax liability under subsections (a) and  
6 (b) (6), (7), and (8), (c) and (d) of Section 201 of this  
7 Act plus the amount of such refunds remaining approved but  
8 unpaid at the end of the preceding fiscal year, and the  
9 denominator of which shall be the amounts which will be  
10 collected pursuant to subsections (a) and (b) (6), (7), and  
11 (8), (c) and (d) of Section 201 of this Act during the  
12 preceding fiscal year; except that in State fiscal year  
13 2002, the Annual Percentage shall in no event exceed 23%.  
14 The Director of Revenue shall certify the Annual Percentage  
15 to the Comptroller on the last business day of the fiscal  
16 year immediately preceding the fiscal year for which it is  
17 to be effective.

18 (3) The Comptroller shall order transferred and the  
19 Treasurer shall transfer from the Tobacco Settlement  
20 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000  
21 in January, 2001, (ii) \$35,000,000 in January, 2002, and  
22 (iii) \$35,000,000 in January, 2003.

23 (d) Expenditures from Income Tax Refund Fund.

24 (1) Beginning January 1, 1989, money in the Income Tax  
25 Refund Fund shall be expended exclusively for the purpose  
26 of paying refunds resulting from overpayment of tax  
27 liability under Section 201 of this Act, for paying rebates  
28 under Section 208.1 in the event that the amounts in the  
29 Homeowners' Tax Relief Fund are insufficient for that  
30 purpose, and for making transfers pursuant to this  
31 subsection (d).

32 (2) The Director shall order payment of refunds  
33 resulting from overpayment of tax liability under Section  
34 201 of this Act from the Income Tax Refund Fund only to the  
35 extent that amounts collected pursuant to Section 201 of  
36 this Act and transfers pursuant to this subsection (d) and

1 item (3) of subsection (c) have been deposited and retained  
2 in the Fund.

3 (3) As soon as possible after the end of each fiscal  
4 year, the Director shall order transferred and the State  
5 Treasurer and State Comptroller shall transfer from the  
6 Income Tax Refund Fund to the Personal Property Tax  
7 Replacement Fund an amount, certified by the Director to  
8 the Comptroller, equal to the excess of the amount  
9 collected pursuant to subsections (c) and (d) of Section  
10 201 of this Act deposited into the Income Tax Refund Fund  
11 during the fiscal year over the amount of refunds resulting  
12 from overpayment of tax liability under subsections (c) and  
13 (d) of Section 201 of this Act paid from the Income Tax  
14 Refund Fund during the fiscal year.

15 (4) As soon as possible after the end of each fiscal  
16 year, the Director shall order transferred and the State  
17 Treasurer and State Comptroller shall transfer from the  
18 Personal Property Tax Replacement Fund to the Income Tax  
19 Refund Fund an amount, certified by the Director to the  
20 Comptroller, equal to the excess of the amount of refunds  
21 resulting from overpayment of tax liability under  
22 subsections (c) and (d) of Section 201 of this Act paid  
23 from the Income Tax Refund Fund during the fiscal year over  
24 the amount collected pursuant to subsections (c) and (d) of  
25 Section 201 of this Act deposited into the Income Tax  
26 Refund Fund during the fiscal year.

27 (4.5) As soon as possible after the end of fiscal year  
28 1999 and of each fiscal year thereafter, the Director shall  
29 order transferred and the State Treasurer and State  
30 Comptroller shall transfer from the Income Tax Refund Fund  
31 to the General Revenue Fund any surplus remaining in the  
32 Income Tax Refund Fund as of the end of such fiscal year;  
33 excluding for fiscal years 2000, 2001, and 2002 amounts  
34 attributable to transfers under item (3) of subsection (c)  
35 less refunds resulting from the earned income tax credit.

36 (5) This Act shall constitute an irrevocable and

1 continuing appropriation from the Income Tax Refund Fund  
2 for the purpose of paying refunds upon the order of the  
3 Director in accordance with the provisions of this Section.

4 (e) Deposits into the Education Assistance Fund and the  
5 Income Tax Surcharge Local Government Distributive Fund.

6 On July 1, 1991, and thereafter, of the amounts collected  
7 pursuant to subsections (a) and (b) of Section 201 of this Act,  
8 minus deposits into the Income Tax Refund Fund, the Department  
9 shall deposit 7.3% into the Education Assistance Fund in the  
10 State Treasury. Beginning July 1, 1991, and continuing through  
11 January 31, 1993, of the amounts collected pursuant to  
12 subsections (a) and (b) of Section 201 of the Illinois Income  
13 Tax Act, minus deposits into the Income Tax Refund Fund, the  
14 Department shall deposit 3.0% into the Income Tax Surcharge  
15 Local Government Distributive Fund in the State Treasury.  
16 Beginning February 1, 1993 and continuing through June 30,  
17 1993, of the amounts collected pursuant to subsections (a) and  
18 (b) of Section 201 of the Illinois Income Tax Act, minus  
19 deposits into the Income Tax Refund Fund, the Department shall  
20 deposit 4.4% into the Income Tax Surcharge Local Government  
21 Distributive Fund in the State Treasury. Beginning July 1,  
22 1993, and continuing through June 30, 1994, of the amounts  
23 collected under subsections (a) and (b) of Section 201 of this  
24 Act, minus deposits into the Income Tax Refund Fund, the  
25 Department shall deposit 1.475% into the Income Tax Surcharge  
26 Local Government Distributive Fund in the State Treasury.

27 (Source: P.A. 92-11, eff. 6-11-01; 92-16, eff. 6-28-01; 92-600,  
28 eff. 6-28-02; 93-32, eff. 6-20-03; 93-839, eff. 7-30-04.)

29 ARTICLE 30

30 Section 30-5. The School Employee Benefit Act is amended by  
31 changing Section 20 as follows:

32 (105 ILCS 55/20)

33 Sec. 20. Prescription drug benefits; program.

1 (a) Beginning July 1, 2005, the Department shall be  
2 responsible for administering the prescription drug benefit  
3 program established under this Act for employees, annuitants,  
4 and dependents on a non-insured basis.

5 (b) For each program year, the Department shall set a date  
6 by which school districts must notify the Department of their  
7 election to participate in the prescription drug benefit  
8 program. The Department shall provide notification of the  
9 election date to school districts at least 45 days prior to the  
10 election date.

11 (c) Any school district may apply to the Director to have  
12 employees, annuitants, and dependents be provided a  
13 prescription drug benefit program under this Act. To  
14 participate, a school district must agree to enroll all of its  
15 employees. A participating school district is not required to  
16 enroll a full-time employee who has waived coverage under the  
17 district's health plan.

18 (d) The Director shall determine the insurance rates and  
19 premiums for those employees, annuitants, and dependents  
20 participating in the prescription drug benefit program. Rates  
21 and premiums may be based in part on age and eligibility for  
22 federal Medicare coverage.

23 A school district must remit the entire cost of providing  
24 prescription drug coverage under this Section.

25 (e) All revenues arising from the administration of the  
26 prescription drug benefit program shall be deposited into the  
27 Illinois Prescription Drug Discount Program Fund ~~general~~  
28 ~~revenue funds~~.

29 (f) The prescription drug benefit program shall be  
30 maintained on an ongoing, affordable basis, and the cost to  
31 school districts shall not exceed the State's actual program  
32 costs. The prescription drug benefit program may be changed by  
33 the State and is not intended to be a pension or retirement  
34 benefit subject to protection under Section 5 of Article XIII  
35 of the Illinois Constitution.

36 (Source: P.A. 93-1036, eff. 9-14-04.)

1

## ARTICLE 40

2 Section 40-5. The Senior Citizens and Disabled Persons  
3 Prescription Drug Discount Program Act is amended by changing  
4 Sections 30 and 35 as follows:

5 (320 ILCS 55/30)

6 Sec. 30. Manufacturer rebate agreements.

7 (a) Taking into consideration the extent to which the State  
8 pays for prescription drugs under various State programs and  
9 the provision of assistance to disabled persons or eligible  
10 seniors under patient assistance programs, prescription drug  
11 discount programs, or other offers for free or reduced price  
12 medicine, clinical research projects, limited supply  
13 distribution programs, compassionate use programs, or programs  
14 of research conducted by or for a drug manufacturer, the  
15 Department, its agent, or the program administrator shall  
16 negotiate and enter into rebate agreements with drug  
17 manufacturers, as defined in this Act, to effect prescription  
18 drug price discounts. The Department or program administrator  
19 may establish a preferred drug list as a basis for determining  
20 the discounts, administrative fees, or other fees or rebates  
21 under this Section.

22 (b) Rebate payment procedures. All rebates negotiated  
23 under agreements described in this Section shall be paid in  
24 accordance with procedures prescribed by the Department or the  
25 program administrator.

26 (c) Receipts from rebates shall be used to provide  
27 discounts for prescription drugs purchased by eligible seniors  
28 and disabled persons and to cover the cost of administering the  
29 program, including compensation to be paid to participating  
30 pharmacies by the Department or program administrator under  
31 subsection (e) of Section 25. Any receipts to be allocated to  
32 the Department shall be deposited into the Illinois Senior  
33 ~~Citizens and Disabled Persons~~ Prescription Drug Discount

1 Program Fund, a trust fund created outside the State Treasury  
2 with the State Treasurer acting as ex officio custodian.  
3 Disbursements from the Illinois Prescription Drug Discount  
4 Program Fund shall be made upon the direction of the Director  
5 of Central Management Services ~~a special fund hereby created in~~  
6 ~~the State treasury.~~

7 (Source: P.A. 93-18, eff. 7-1-03.)

8 (320 ILCS 55/35)

9 Sec. 35. Program eligibility.

10 (a) Any person may apply to the Department or its program  
11 administrator for participation in the program in the form and  
12 manner required by the Department. The Department or its  
13 program administrator shall determine the eligibility of each  
14 applicant for the program within 30 days after the date of  
15 application. To participate in the program an eligible senior  
16 or disabled person whose application has been approved must pay  
17 \$25 upon enrollment and annually thereafter and shall receive a  
18 program identification card. The card may be presented to an  
19 authorized pharmacy to assist the pharmacy in verifying  
20 eligibility under the program. The Department shall deposit the  
21 enrollment fees collected into the Illinois ~~Senior Citizens and~~  
22 ~~Disabled Persons~~ Prescription Drug Discount Program Fund. The  
23 moneys collected by the Department for enrollment fees and  
24 deposited into the Illinois ~~Senior Citizens and Disabled~~  
25 ~~Persons~~ Prescription Drug Discount Program Fund must be  
26 separately accounted for by the Department. If 2 or more  
27 persons are eligible for any benefit under this Act and are  
28 members of the same household, each participating household  
29 member shall apply to the Department and pay the fee required  
30 for the purpose of obtaining an identification card.

31 (b) Proceeds from annual enrollment fees shall be used by  
32 the Department to offset the administrative cost of this Act.  
33 The Department may reduce the annual enrollment fee by rule if  
34 the revenue from the enrollment fees is in excess of the costs  
35 to carry out the program.

1 (c) Any person who is eligible for pharmaceutical  
2 assistance under the Senior Citizens and Disabled Persons  
3 Property Tax Relief and Pharmaceutical Assistance Act is  
4 presumed to be eligible for this program. The enrollment fee  
5 under this Act is not required for such persons. That person  
6 may purchase prescription drugs under this program that are not  
7 covered by the pharmaceutical assistance program under the  
8 Senior Citizens and Disabled Persons Property Tax Relief and  
9 Pharmaceutical Assistance Act by using the identification card  
10 issued under the pharmaceutical assistance program.

11 (Source: P.A. 93-18, eff. 7-1-03.)

12 ARTICLE 55

13 Section 55-5. The Aquaculture Development Act is amended by  
14 changing Section 5.5 as follows:

15 (20 ILCS 215/5.5)

16 (Section scheduled to be repealed on June 30, 2009)

17 Sec. 5.5. Aquaculture Cooperative.

18 (a) The Department of Agriculture shall make grants to an  
19 Aquaculture Cooperative from the Illinois Aquaculture  
20 Development Fund, a special fund created in the State Treasury.  
21 On July 1, 1999 and on each July 1 thereafter through July 1,  
22 2004 ~~2008~~, the Comptroller shall order transferred and the  
23 Treasurer shall transfer \$1,000,000 from the General Revenue  
24 Fund into the Illinois Aquaculture Development Fund. The  
25 Aquaculture Cooperative shall consist of any individual or  
26 entity of the aquaculture industry in this State that seeks  
27 membership pursuant to the Agricultural Co-Operative Act. The  
28 grants for the Cooperative shall be distributed from the  
29 Illinois Aquaculture Development Fund as provided by rule. At  
30 the beginning of each fiscal period, the Cooperative shall  
31 prepare a budget plan for the next fiscal period, including the  
32 probable cost of all programs, projects, and contracts. The  
33 Cooperative shall submit the proposed budget to the Director

1 for review and comment. The Director may recommend programs and  
2 activities considered appropriate for the Cooperative. The  
3 Cooperative shall keep minutes, books, and records that clearly  
4 reflect all of the acts and transactions of the Cooperative and  
5 shall make this information public. The financial books and  
6 records of the Cooperative shall be audited by a certified  
7 public accountant at least once each fiscal year and at other  
8 times as designated by the Director. The expense of the audit  
9 shall be the responsibility of the Cooperative. Copies of the  
10 audit shall be provided to all members of the Cooperative, to  
11 the Department, and to other requesting members of the  
12 aquaculture industry.

13 (b) The grants to an Aquaculture Cooperative and the  
14 proceeds generated by the Cooperative may be used for the  
15 following purposes:

16 (1) To buy aquatic organisms from members of the  
17 Cooperative.

18 (2) To buy aquatic organism food in bulk quantities for  
19 resale to the members of the Cooperative.

20 (3) For transportation, hauling, and delivery  
21 equipment.

22 (4) For employee salaries, building leases, and other  
23 administrative costs.

24 (5) To purchase equipment for use by the Cooperative  
25 members.

26 (6) Any other related costs.

27 (c) The Illinois Aquaculture Development Fund is abolished  
28 on July 1, 2005 ~~August 31, 2004~~. Any balance remaining in the  
29 Fund on that date shall be transferred to the General Revenue  
30 Fund.

31 (d) This Section is repealed on June 30, 2009.

32 (Source: P.A. 93-839, eff. 7-30-04.)

33 Section 55-10. The Department of Commerce and Economic  
34 Opportunity Law of the Civil Administrative Code of Illinois is  
35 amended by changing Sections 605-55, 605-75, and 605-323 as

1 follows:

2 (20 ILCS 605/605-55) (was 20 ILCS 605/46.21)

3 Sec. 605-55. Contracts and other acts to accomplish  
4 Department's duties. To make and enter into contracts,  
5 including but not limited to making grants and loans to units  
6 of local government, private agencies as defined in the  
7 Illinois State Auditing Act, non-profit corporations,  
8 educational institutions, and for-profit businesses as  
9 authorized pursuant to appropriations by the General Assembly  
10 from the Build Illinois Bond Fund, ~~the Build Illinois Purposes~~  
11 ~~Fund~~, the Fund for Illinois' Future, the Capital Development  
12 Fund, and the General Revenue Fund, and generally to do all  
13 things that, in its judgment, may be necessary, proper, and  
14 expedient in accomplishing its duties.

15 (Source: P.A. 91-34, eff. 7-1-99; 91-239, eff. 1-1-00; 92-16,  
16 eff. 6-28-01.)

17 (20 ILCS 605/605-75)

18 Sec. 605-75. Keep Illinois Beautiful.

19 (a) There is created the Keep Illinois Beautiful Program  
20 Advisory Board consisting of 7 members appointed by the  
21 Director of Commerce and Economic Opportunity Community  
22 ~~Affairs~~. Of those 7, 4 shall be appointed from a list of at  
23 least 10 names submitted by the boards of directors from the  
24 various certified community programs. Each certified community  
25 program may submit only one recommendation to be considered by  
26 the Director. The Director of Commerce and Economic Opportunity  
27 ~~Community Affairs~~ or his or her designee shall be a member and  
28 serve as Chairman. The Board shall meet at least annually at  
29 the discretion of the Chairman and at such other times as the  
30 Chairman or any 4 members consider necessary. Four members  
31 shall constitute a quorum.

32 (b) The purpose of the Board shall be to assist local  
33 governments and community organizations in:

34 (1) Educating the public about the need for recycling

1 and reducing solid waste.

2 (2) Promoting the establishment of recycling and  
3 programs that reduce litter and other solid waste through  
4 re-use and diversion.

5 (3) Developing local markets for recycled products.

6 (4) Cooperating with other State agencies and with  
7 local governments having environmental responsibilities.

8 (5) Seeking funding from governmental and  
9 non-governmental sources.

10 (6) Beautification projects.

11 (c) The Department of Commerce and Economic Opportunity  
12 ~~Community Affairs~~ shall assist local governments and community  
13 organizations that plan to implement programs set forth in  
14 subsection (b). The Department shall establish guidelines for  
15 the certification of local governments and community  
16 organizations.

17 The Department may encourage local governments and  
18 community organizations to apply for certification of programs  
19 by the Board. However, the Department shall give equal  
20 consideration to newly certified programs and older certified  
21 programs.

22 (d) ~~The Keep Illinois Beautiful Fund is created as a~~  
23 ~~special fund in the State treasury. Moneys from any public or~~  
24 ~~private source may be deposited into the Keep Illinois~~  
25 ~~Beautiful Fund. Moneys in the Keep Illinois Beautiful Fund~~  
26 ~~shall be appropriated only for the purposes of this Section.~~

27 Pursuant to action by the Board, the Department of Commerce and  
28 Economic Opportunity ~~Community Affairs~~ may authorize grants  
29 from moneys appropriated ~~from the Keep Illinois Beautiful Fund~~  
30 for certified community based programs for up to 50% of the  
31 cash needs of the program; provided, that at least 50% of the  
32 needs of the program shall be contributed to the program in  
33 cash, and not in kind, by local sources.

34 Moneys appropriated for certified community based programs  
35 in municipalities of more than 1,000,000 population shall be  
36 itemized separately and may not be disbursed to any other

1 community.

2 (e) On the effective date of this amendatory Act of the  
3 91st General Assembly, the Lieutenant Governor shall transfer  
4 to the Department of Commerce and Community Affairs (now  
5 Department of Commerce and Economic Opportunity), and the  
6 Department shall receive, all assets and property possessed by  
7 the Lieutenant Governor under this Section and all liabilities  
8 and obligations for which the Lieutenant Governor was  
9 responsible under this Section. Nothing in this subsection  
10 affects the validity of certifications and grants issued under  
11 this Section before the effective date of this amendatory Act  
12 of the 91st General Assembly.

13 (Source: P.A. 91-239, eff. 1-1-00; 91-853, eff. 7-1-00; 92-490,  
14 eff. 8-23-01; revised 12-6-03.)

15 (20 ILCS 605/605-323) (was 20 ILCS 605/46.76)

16 Sec. 605-323. Energy assistance ~~Assistance Contribution~~  
17 ~~Fund.~~

18 (a) The Department may accept gifts, grants, awards,  
19 matching contributions, interest income, appropriations, and  
20 cost sharings from individuals, businesses, governments, and  
21 other third-party sources, on terms that the Director deems  
22 advisable, to assist eligible households, businesses,  
23 industries, educational institutions, hospitals, health care  
24 facilities, and not-for-profit entities to obtain and maintain  
25 reliable and efficient energy related services, or to improve  
26 the efficiency of such services.

27 (b) (Blank). ~~The Energy Assistance Contribution Fund is~~  
28 ~~created as a special fund in the State Treasury, and all moneys~~  
29 ~~received under this Section shall be deposited into that Fund.~~  
30 ~~Moneys in the Energy Assistance Contribution Fund may be~~  
31 ~~expended for purposes consistent with the conditions under~~  
32 ~~which those moneys are received, subject to appropriations made~~  
33 ~~by the General Assembly for those purposes.~~

34 (Source: P.A. 91-34, eff. 7-1-99; 92-16, eff. 6-28-01.)

1 Section 55-15. The Illinois Promotion Act is amended by  
2 changing Section 8a as follows:

3 (20 ILCS 665/8a) (from Ch. 127, par. 200-28a)

4 Sec. 8a. Tourism grants and loans, ~~fund~~.

5 (1) The Department is authorized to make grants and loans,  
6 subject to appropriations by the General Assembly for this  
7 purpose from the Tourism Promotion Fund ~~or the Tourism~~  
8 ~~Attraction Development Matching Grant Fund~~, to counties,  
9 municipalities, local promotion groups, not-for-profit  
10 organizations, or for-profit businesses for the development or  
11 improvement of tourism attractions in Illinois. Individual  
12 grants and loans shall not exceed \$1,000,000 and shall not  
13 exceed 50% of the entire amount of the actual expenditures for  
14 the development or improvement of a tourist attraction.  
15 Agreements for loans made by the Department pursuant to this  
16 subsection may contain provisions regarding term, interest  
17 rate, security as may be required by the Department and any  
18 other provisions the Department may require to protect the  
19 State's interest.

20 (2) (Blank). ~~There is hereby created a special fund in the~~  
21 ~~State Treasury to be known as the Tourism Attraction~~  
22 ~~Development Matching Grant Fund. The deposit of monies into~~  
23 ~~this fund shall be limited to the repayments of principal and~~  
24 ~~interest from loans made pursuant to subsection (1).~~

25 (Source: P.A. 91-683, eff. 1-26-00; 92-38, eff. 6-28-01.)

26 Section 55-20. The Technology Advancement and Development  
27 Act is amended by changing Section 1004 as follows:

28 (20 ILCS 700/1004) (from Ch. 127, par. 3701-4)

29 Sec. 1004. Duties and powers. The Department of Commerce  
30 and Economic Opportunity ~~Community Affairs~~ shall establish and  
31 administer any of the programs authorized under this Act  
32 subject to the availability of funds appropriated by the  
33 General Assembly. The Department may make awards from general

1 revenue fund appropriations, federal reimbursement funds, and  
2 the Technology Cooperation Fund, ~~and the New Technology~~  
3 ~~Recovery Fund~~ as provided under the provisions of this Act. The  
4 Department, in addition to those powers granted under the Civil  
5 Administrative Code of Illinois, is granted the following  
6 powers to help administer the provisions of this Act:

7 (a) To provide financial assistance as direct or  
8 participation grants, loans or qualified security investments  
9 to, or on behalf of, eligible applicants. Loans, grants and  
10 investments shall be made for the purpose of increasing  
11 research and development, commercializing technology, adopting  
12 advanced production and processing techniques, and promoting  
13 job creation and retention within Illinois;

14 (b) To enter into agreements, accept funds or grants, and  
15 engage in cooperation with agencies of the federal government,  
16 local units of government, universities, research foundations  
17 or institutions, regional economic development corporations or  
18 other organizations for the purposes of this Act;

19 (c) To enter into contracts, agreements, and memoranda of  
20 understanding; and to provide funds for participation  
21 agreements or to make any other agreements or contracts or to  
22 invest, grant, or loan funds to any participating intermediary  
23 organizations including, not-for-profit entities, for-profit  
24 entities, State agencies or authorities, government owned and  
25 contract operated facilities, institutions of higher  
26 education, other public or private development corporations,  
27 or other entities necessary or desirable to further the purpose  
28 of this Act. Any such agreement or contract by an intermediary  
29 organization to deliver programs authorized under this Act may  
30 include terms and provisions including, but not limited to  
31 organization and development of documentation, review and  
32 approval of projects, servicing and disbursement of funds and  
33 other related activities;

34 (d) To fix, determine, charge and collect any premiums,  
35 fees, charges, costs and expenses, including without  
36 limitation, any application fees, commitment fees, program

1 fees, financing charges, or publication fees in connection with  
2 the Department's activities under this Act;

3 (e) To establish forms for applications, notifications,  
4 contracts, or any other agreements, and to promulgate  
5 procedures, rules or regulations deemed necessary and  
6 appropriate;

7 (f) To establish and regulate the terms and conditions of  
8 the Department's agreements and to consent, subject to the  
9 provisions of any agreement with another party, to the  
10 modification or restructuring of any agreement to which the  
11 Department is a party;

12 (g) To require that recipients of financial assistance  
13 shall at all times keep proper books of record and account in  
14 accordance with generally accepted accounting principles  
15 consistently applied, with such books open for reasonable  
16 Department inspection and audits, including, without  
17 limitation, the making of copies thereof;

18 (h) To require applicants or grantees receiving funds under  
19 this Act to permit the Department to: (i) inspect and audit any  
20 books, records or papers related to the project in the custody  
21 or control of the applicant, including the making of copies or  
22 extracts thereof, and (ii) inspect or appraise any of the  
23 applicant's or grantee's business assets;

24 (i) To require applicants or grantees, upon written request  
25 by the Department, to issue any necessary authorization to the  
26 appropriate federal, State or local authority for the release  
27 of information concerning a business or business project  
28 financed under the provisions of this Act, with the information  
29 requested to include, but not be limited to, financial reports,  
30 returns, or records relating to that business or business  
31 project;

32 (i-5) To provide staffing, administration, and related  
33 support required to manage the programs authorized under this  
34 Act and to pay for staffing and administration ~~from the New~~  
35 ~~Technology Recovery Fund~~ as appropriated by the General  
36 Assembly. Administrative responsibilities may include, but are

1 not limited to, research and identification of the needs of  
2 commerce and industry in this State; design of comprehensive  
3 statewide plans and programs; direction, management, and  
4 control of specific projects; and communication and  
5 cooperation with entities about technology commercialization  
6 and business modernization;

7 (j) To take whatever actions are necessary or appropriate  
8 to protect the State's interest in the event of bankruptcy,  
9 default, foreclosure or noncompliance with the terms and  
10 conditions of financial assistance or participation required  
11 under this Act, including the power to sell, dispose, lease or  
12 rent, upon terms and conditions determined by the Director to  
13 be appropriate, real or personal property which the Department  
14 may receive as a result thereof; and

15 (k) Exercise such other powers as are necessary to carry  
16 out the purposes of this Act.

17 (Source: P.A. 91-476, eff. 8-11-99; revised 12-6-03.)

18 Section 55-25. The Energy Conservation and Coal  
19 Development Act is amended by changing Section 9 as follows:

20 (20 ILCS 1105/9) (from Ch. 96 1/2, par. 7409)

21 Sec. 9. The Illinois Industrial Coal Utilization Program.  
22 The Department shall administer the Illinois Industrial Coal  
23 Utilization Program, referred to as the "program". The purpose  
24 of the program is to increase the environmentally sound use of  
25 Illinois coal by qualified applicants. To that end, the  
26 Department shall operate a revolving loan program to partially  
27 finance new coal burning facilities sited in Illinois or  
28 conversion of existing boilers located in Illinois to coal use,  
29 referred to as "industrial coal projects".

30 The Department, with the advice and recommendation of the  
31 Illinois Coal Development Board, shall make below market rate  
32 loans available to fund a portion of each qualifying industrial  
33 coal project. The applicant must demonstrate that it is able to  
34 obtain additional financing from other sources to fund the

1 remainder of the project and that the project would not occur  
2 without the Department's participation. The Department may, in  
3 part, rely on the financial evaluation completed by the  
4 provider of the additional funding, as well as its own  
5 evaluation.

6 The Department shall have the following powers:

7 (1) To accept grants, loans, or appropriations from the  
8 federal government or the State, or any agency or  
9 instrumentality of either, to be used for any purposes of the  
10 program, including operating and administrative expenses  
11 associated with the program and the making of direct loans of  
12 those funds with respect to projects. The Department may enter  
13 into any agreement with the federal government or the State, or  
14 any agency or instrumentality of either, in connection with  
15 those grants, loans, or appropriations.

16 (2) To make loans from appropriations from ~~the Build~~  
17 ~~Illinois Purposes Fund or~~ the Build Illinois Bond Fund and to  
18 accept guarantees from individuals, partnerships, joint  
19 ventures, corporations, and governmental agencies. Any loan or  
20 series of loans shall be limited to an amount not to exceed the  
21 lesser of \$4,000,000 or 60% of the total project cost.

22 (3) To establish interest rates, terms of repayment, and  
23 other terms and conditions regarding loans made under this Act  
24 as the Department shall determine necessary or appropriate to  
25 protect the public interest and carry out the purposes of this  
26 Act.

27 (4) To receive, evaluate, and establish time schedules for  
28 the determination of, and determine applications for financial  
29 aid for the development, construction, acquisition, or  
30 improvement of, an industrial coal project from any qualifying  
31 applicant and negotiate terms and conditions on which the coal  
32 project may be developed, constructed, improved, owned, or used  
33 by or leased to the applicant or its successor in interest. The  
34 Department shall prescribe the form of application. The form  
35 shall contain, without being limited to, the following:

36 (i) a general description of the industrial coal

1 project and of the developer, user, or tenant for which the  
2 industrial project is to be established;

3 (ii) plans, equipment lists, and other documents that  
4 may be required to show the type, structure, and general  
5 character of the project;

6 (iii) a general description of the expected use of  
7 Illinois coal resulting from the project;

8 (iv) cost estimates of developing, constructing,  
9 acquiring, or improving the industrial project;

10 (v) a general description of the financing plan for the  
11 industrial coal project; and

12 (vi) a general description and statement of value of  
13 any property and its improvements provided or to be  
14 provided for the project by other sources.

15 Nothing in this Section shall be deemed to preclude the  
16 Department, before the filing of any formal application, from  
17 conducting preliminary discussions and investigations with  
18 respect to the subject matter of any prospective applications.

19 (Source: P.A. 90-348, eff. 1-1-98.)

20 Section 55-30. The Disabled Persons Rehabilitation Act is  
21 amended by changing Section 5 as follows:

22 (20 ILCS 2405/5) (from Ch. 23, par. 3436)

23 Sec. 5. The Department is authorized to receive such gifts  
24 or donations, either from public or private sources, as may be  
25 offered unconditionally or under such conditions related to the  
26 comprehensive rehabilitation services, habilitation and  
27 rehabilitation of persons with one or more disabilities, as in  
28 the judgment of the Department are proper and consistent with  
29 the provisions of this Act. ~~All moneys so received shall be  
30 deposited in the State treasury in a fund to be known as the  
31 "DORS State Project Fund".~~

32 (Source: P.A. 86-607.)

33 Section 55-35. The Department of Transportation Law of the

1 Civil Administrative Code of Illinois is amended by changing  
2 Sections 2705-275 and 2705-305 as follows:

3 (20 ILCS 2705/2705-275) (was 20 ILCS 2705/49.25j)

4 Sec. 2705-275. Grants for airport facilities. The  
5 Department may make grants to municipalities and airport  
6 authorities for the renovation, construction, and development  
7 of airport facilities. The grants may be made from funds  
8 appropriated for that purpose from the Build Illinois Bond Fund  
9 ~~or the Build Illinois Purposes Fund.~~

10 (Source: P.A. 91-239, eff. 1-1-00.)

11 (20 ILCS 2705/2705-305)

12 Sec. 2705-305. Grants for mass transportation.

13 (a) For the purpose of mass transportation grants and  
14 contracts, the following definitions apply:

15 "Carrier" means any corporation, authority, partnership,  
16 association, person, or district authorized to provide mass  
17 transportation within the State.

18 "District" means all of the following:

19 (i) Any district created pursuant to the Local Mass  
20 Transit District Act.

21 (ii) The Authority created pursuant to the  
22 Metropolitan Transit Authority Act.

23 (iii) Any authority, commission, or other entity that  
24 by virtue of an interstate compact approved by Congress is  
25 authorized to provide mass transportation.

26 (iv) The Authority created pursuant to the Regional  
27 Transportation Authority Act.

28 "Facilities" comprise all real and personal property used  
29 in or appurtenant to a mass transportation system, including  
30 parking lots.

31 "Mass transportation" means transportation provided within  
32 the State of Illinois by rail, bus, or other conveyance and  
33 available to the general public on a regular and continuing  
34 basis, including the transportation of handicapped or elderly

1 persons as provided more specifically in Section 2705-310.

2 "Unit of local government" means any city, village,  
3 incorporated town, or county.

4 (b) Grants may be made to units of local government,  
5 districts, and carriers for the acquisition, construction,  
6 extension, reconstruction, and improvement of mass  
7 transportation facilities. Grants shall be made upon the terms  
8 and conditions that in the judgment of the Secretary are  
9 necessary to ensure their proper and effective utilization.

10 (c) The Department shall make grants under this Law in a  
11 manner designed, so far as is consistent with the maintenance  
12 and development of a sound mass transportation system within  
13 the State, to: (i) maximize federal funds for the assistance of  
14 mass transportation in Illinois under the Federal Transit Act  
15 and other federal Acts; (ii) facilitate the movement of persons  
16 who because of age, economic circumstance, or physical  
17 infirmity are unable to drive; (iii) contribute to an improved  
18 environment through the reduction of air, water, and noise  
19 pollution; and (iv) reduce traffic congestion.

20 (d) The Secretary shall establish procedures for making  
21 application for mass transportation grants. The procedures  
22 shall provide for public notice of all applications and give  
23 reasonable opportunity for the submission of comments and  
24 objections by interested parties. The procedures shall be  
25 designed with a view to facilitating simultaneous application  
26 for a grant to the Department and to the federal government.

27 (e) Grants may be made for mass transportation projects as  
28 follows:

29 (1) In an amount not to exceed 100% of the nonfederal  
30 share of projects for which a federal grant is made.

31 (2) In an amount not to exceed 100% of the net project  
32 cost for projects for which a federal grant is not made.

33 (3) In an amount not to exceed five-sixths of the net  
34 project cost for projects essential for the maintenance of  
35 a sound transportation system and eligible for federal  
36 assistance for which a federal grant application has been

1           made but a federal grant has been delayed. If and when a  
2           federal grant is made, the amount in excess of the  
3           nonfederal share shall be promptly returned to the  
4           Department.

5           In no event shall the Department make a grant that,  
6           together with any federal funds or funds from any other source,  
7           is in excess of 100% of the net project cost.

8           (f) Regardless of whether any funds are available under a  
9           federal grant, the Department shall not make a mass  
10          transportation grant unless the Secretary finds that the  
11          recipient has entered into an agreement with the Department in  
12          which the recipient agrees not to engage in school bus  
13          operations exclusively for the transportation of students and  
14          school personnel in competition with private school bus  
15          operators where those private school bus operators are able to  
16          provide adequate transportation, at reasonable rates, in  
17          conformance with applicable safety standards, provided that  
18          this requirement shall not apply to a recipient that operates a  
19          school system in the area to be served and operates a separate  
20          and exclusive school bus program for the school system.

21          (g) Grants may be made for mass transportation purposes  
22          with funds appropriated from the Build Illinois Bond Fund ~~or~~  
23          ~~the Build Illinois Purposes Fund~~ consistent with the specific  
24          purposes for which those funds are appropriated by the General  
25          Assembly. Grants under this subsection (g) are not subject to  
26          any limitations or conditions imposed upon grants by any other  
27          provision of this Section, except that the Secretary may impose  
28          the terms and conditions that in his or her judgment are  
29          necessary to ensure the proper and effective utilization of the  
30          grants under this subsection.

31          (h) The Department may let contracts for mass  
32          transportation purposes and facilities for the purpose of  
33          reducing urban congestion funded in whole or in part with bonds  
34          described in subdivision (b)(1) of Section 4 of the General  
35          Obligation Bond Act, not to exceed \$75,000,000 in bonds.

36          (i) The Department may make grants to carriers, districts,

1 and units of local government for the purpose of reimbursing  
2 them for providing reduced fares for mass transportation  
3 services for students, handicapped persons and the elderly.  
4 Grants shall be made upon the terms and conditions that in the  
5 judgment of the Secretary are necessary to ensure their proper  
6 and effective utilization.

7 (j) The Department may make grants to carriers, districts,  
8 and units of local government for costs of providing ADA  
9 paratransit service.

10 (Source: P.A. 90-774, eff. 8-14-98; 91-239, eff. 1-1-00.)

11 Section 55-40. The Illinois Finance Authority Act is  
12 amended by changing Sections 801-40 and 805-15 as follows:

13 (20 ILCS 3501/801-40)

14 Sec. 801-40. In addition to the powers otherwise authorized  
15 by law and in addition to the foregoing general corporate  
16 powers, the Authority shall also have the following additional  
17 specific powers to be exercised in furtherance of the purposes  
18 of this Act.

19 (a) The Authority shall have power (i) to accept grants,  
20 loans or appropriations from the federal government or the  
21 State, or any agency or instrumentality thereof, to be used for  
22 the operating expenses of the Authority, or for any purposes of  
23 the Authority, including the making of direct loans of such  
24 funds with respect to projects, and (ii) to enter into any  
25 agreement with the federal government or the State, or any  
26 agency or instrumentality thereof, in relationship to such  
27 grants, loans or appropriations.

28 (b) The Authority shall have power to procure and enter  
29 into contracts for any type of insurance and indemnity  
30 agreements covering loss or damage to property from any cause,  
31 including loss of use and occupancy, or covering any other  
32 insurable risk.

33 (c) The Authority shall have the continuing power to issue  
34 bonds for its corporate purposes. Bonds may be issued by the

1 Authority in one or more series and may provide for the payment  
2 of any interest deemed necessary on such bonds, of the costs of  
3 issuance of such bonds, of any premium on any insurance, or of  
4 the cost of any guarantees, letters of credit or other similar  
5 documents, may provide for the funding of the reserves deemed  
6 necessary in connection with such bonds, and may provide for  
7 the refunding or advance refunding of any bonds or for accounts  
8 deemed necessary in connection with any purpose of the  
9 Authority. The bonds may bear interest payable at any time or  
10 times and at any rate or rates, notwithstanding any other  
11 provision of law to the contrary, and such rate or rates may be  
12 established by an index or formula which may be implemented or  
13 established by persons appointed or retained therefor by the  
14 Authority, or may bear no interest or may bear interest payable  
15 at maturity or upon redemption prior to maturity, may bear such  
16 date or dates, may be payable at such time or times and at such  
17 place or places, may mature at any time or times not later than  
18 40 years from the date of issuance, may be sold at public or  
19 private sale at such time or times and at such price or prices,  
20 may be secured by such pledges, reserves, guarantees, letters  
21 of credit, insurance contracts or other similar credit support  
22 or liquidity instruments, may be executed in such manner, may  
23 be subject to redemption prior to maturity, may provide for the  
24 registration of the bonds, and may be subject to such other  
25 terms and conditions all as may be provided by the resolution  
26 or indenture authorizing the issuance of such bonds. The holder  
27 or holders of any bonds issued by the Authority may bring suits  
28 at law or proceedings in equity to compel the performance and  
29 observance by any person or by the Authority or any of its  
30 agents or employees of any contract or covenant made with the  
31 holders of such bonds and to compel such person or the  
32 Authority and any of its agents or employees to perform any  
33 duties required to be performed for the benefit of the holders  
34 of any such bonds by the provision of the resolution  
35 authorizing their issuance, and to enjoin such person or the  
36 Authority and any of its agents or employees from taking any

1 action in conflict with any such contract or covenant.  
2 Notwithstanding the form and tenor of any such bonds and in the  
3 absence of any express recital on the face thereof that it is  
4 non-negotiable, all such bonds shall be negotiable  
5 instruments. Pending the preparation and execution of any such  
6 bonds, temporary bonds may be issued as provided by the  
7 resolution. The bonds shall be sold by the Authority in such  
8 manner as it shall determine. The bonds may be secured as  
9 provided in the authorizing resolution by the receipts,  
10 revenues, income and other available funds of the Authority and  
11 by any amounts derived by the Authority from the loan agreement  
12 or lease agreement with respect to the project or projects; and  
13 bonds may be issued as general obligations of the Authority  
14 payable from such revenues, funds and obligations of the  
15 Authority as the bond resolution shall provide, or may be  
16 issued as limited obligations with a claim for payment solely  
17 from such revenues, funds and obligations as the bond  
18 resolution shall provide. The Authority may grant a specific  
19 pledge or assignment of and lien on or security interest in  
20 such rights, revenues, income, or amounts and may grant a  
21 specific pledge or assignment of and lien on or security  
22 interest in any reserves, funds or accounts established in the  
23 resolution authorizing the issuance of bonds. Any such pledge,  
24 assignment, lien or security interest for the benefit of the  
25 holders of the Authority's bonds shall be valid and binding  
26 from the time the bonds are issued without any physical  
27 delivery or further act, and shall be valid and binding as  
28 against and prior to the claims of all other parties having  
29 claims against the Authority or any other person irrespective  
30 of whether the other parties have notice of the pledge,  
31 assignment, lien or security interest. As evidence of such  
32 pledge, assignment, lien and security interest, the Authority  
33 may execute and deliver a mortgage, trust agreement, indenture  
34 or security agreement or an assignment thereof. A remedy for  
35 any breach or default of the terms of any such agreement by the  
36 Authority may be by mandamus proceedings in any court of

1 competent jurisdiction to compel the performance and  
2 compliance therewith, but the agreement may prescribe by whom  
3 or on whose behalf such action may be instituted. It is  
4 expressly understood that the Authority may, but need not,  
5 acquire title to any project with respect to which it exercises  
6 its authority.

7 (d) With respect to the powers granted by this Act, the  
8 Authority may adopt rules and regulations prescribing the  
9 procedures by which persons may apply for assistance under this  
10 Act. Nothing herein shall be deemed to preclude the Authority,  
11 prior to the filing of any formal application, from conducting  
12 preliminary discussions and investigations with respect to the  
13 subject matter of any prospective application.

14 (e) The Authority shall have power to acquire by purchase,  
15 lease, gift or otherwise any property or rights therein from  
16 any person useful for its purposes, whether improved for the  
17 purposes of any prospective project, or unimproved. The  
18 Authority may also accept any donation of funds for its  
19 purposes from any such source. The Authority shall have no  
20 independent power of condemnation but may acquire any property  
21 or rights therein obtained upon condemnation by any other  
22 authority, governmental entity or unit of local government with  
23 such power.

24 (f) The Authority shall have power to develop, construct  
25 and improve either under its own direction, or through  
26 collaboration with any approved applicant, or to acquire  
27 through purchase or otherwise, any project, using for such  
28 purpose the proceeds derived from the sale of its bonds or from  
29 governmental loans or grants, and to hold title in the name of  
30 the Authority to such projects.

31 (g) The Authority shall have power to lease pursuant to a  
32 lease agreement any project so developed and constructed or  
33 acquired to the approved tenant on such terms and conditions as  
34 may be appropriate to further the purposes of this Act and to  
35 maintain the credit of the Authority. Any such lease may  
36 provide for either the Authority or the approved tenant to

1 assume initially, in whole or in part, the costs of  
2 maintenance, repair and improvements during the leasehold  
3 period. In no case, however, shall the total rentals from any  
4 project during any initial leasehold period or the total loan  
5 repayments to be made pursuant to any loan agreement, be less  
6 than an amount necessary to return over such lease or loan  
7 period (1) all costs incurred in connection with the  
8 development, construction, acquisition or improvement of the  
9 project and for repair, maintenance and improvements thereto  
10 during the period of the lease or loan; provided, however, that  
11 the rentals or loan repayments need not include costs met  
12 through the use of funds other than those obtained by the  
13 Authority through the issuance of its bonds or governmental  
14 loans; (2) a reasonable percentage additive to be agreed upon  
15 by the Authority and the borrower or tenant to cover a properly  
16 allocable portion of the Authority's general expenses,  
17 including, but not limited to, administrative expenses,  
18 salaries and general insurance, and (3) an amount sufficient to  
19 pay when due all principal of, interest and premium, if any on,  
20 any bonds issued by the Authority with respect to the project.  
21 The portion of total rentals payable under clause (3) of this  
22 subsection (g) shall be deposited in such special accounts,  
23 including all sinking funds, acquisition or construction  
24 funds, debt service and other funds as provided by any  
25 resolution, mortgage or trust agreement of the Authority  
26 pursuant to which any bond is issued.

27 (h) The Authority has the power, upon the termination of  
28 any leasehold period of any project, to sell or lease for a  
29 further term or terms such project on such terms and conditions  
30 as the Authority shall deem reasonable and consistent with the  
31 purposes of the Act. The net proceeds from all such sales and  
32 the revenues or income from such leases shall be used to  
33 satisfy any indebtedness of the Authority with respect to such  
34 project and any balance may be used to pay any expenses of the  
35 Authority or be used for the further development, construction,  
36 acquisition or improvement of projects. In the event any

1 project is vacated by a tenant prior to the termination of the  
2 initial leasehold period, the Authority shall sell or lease the  
3 facilities of the project on the most advantageous terms  
4 available. The net proceeds of any such disposition shall be  
5 treated in the same manner as the proceeds from sales or the  
6 revenues or income from leases subsequent to the termination of  
7 any initial leasehold period.

8 (i) The Authority shall have the power to make loans to  
9 persons to finance a project, to enter into loan agreements  
10 with respect thereto, and to accept guarantees from persons of  
11 its loans or the resultant evidences of obligations of the  
12 Authority.

13 (j) The Authority may fix, determine, charge and collect  
14 any premiums, fees, charges, costs and expenses, including,  
15 without limitation, any application fees, commitment fees,  
16 program fees, financing charges or publication fees from any  
17 person in connection with its activities under this Act.

18 (k) In addition to the funds established as provided  
19 herein, the Authority shall have the power to create and  
20 establish such reserve funds and accounts as may be necessary  
21 or desirable to accomplish its purposes under this Act and to  
22 deposit its available monies into the funds and accounts.

23 (l) At the request of the governing body of any unit of  
24 local government, the Authority is authorized to market such  
25 local government's revenue bond offerings by preparing bond  
26 issues for sale, advertising for sealed bids, receiving bids at  
27 its offices, making the award to the bidder that offers the  
28 most favorable terms or arranging for negotiated placements or  
29 underwritings of such securities. The Authority may, at its  
30 discretion, offer for concurrent sale the revenue bonds of  
31 several local governments. Sales by the Authority of revenue  
32 bonds under this Section shall in no way imply State guarantee  
33 of such debt issue. The Authority may require such financial  
34 information from participating local governments as it deems  
35 necessary in order to carry out the purposes of this subsection  
36 (1).

1 (m) The Authority may make grants to any county to which  
2 Division 5-37 of the Counties Code is applicable to assist in  
3 the financing of capital development, construction and  
4 renovation of new or existing facilities for hospitals and  
5 health care facilities under that Act. Such grants may only be  
6 made from funds appropriated for such purposes from the Build  
7 Illinois Bond Fund ~~or the Build Illinois Purposes Fund.~~

8 (n) The Authority may establish an urban development action  
9 grant program for the purpose of assisting municipalities in  
10 Illinois which are experiencing severe economic distress to  
11 help stimulate economic development activities needed to aid in  
12 economic recovery. The Authority shall determine the types of  
13 activities and projects for which the urban development action  
14 grants may be used, provided that such projects and activities  
15 are broadly defined to include all reasonable projects and  
16 activities the primary objectives of which are the development  
17 of viable urban communities, including decent housing and a  
18 suitable living environment, and expansion of economic  
19 opportunity, principally for persons of low and moderate  
20 incomes. The Authority shall enter into grant agreements from  
21 monies appropriated for such purposes from the Build Illinois  
22 Bond Fund ~~or the Build Illinois Purposes Fund.~~ The Authority  
23 shall monitor the use of the grants, and shall provide for  
24 audits of the funds as well as recovery by the Authority of any  
25 funds determined to have been spent in violation of this  
26 subsection (n) or any rule or regulation promulgated hereunder.  
27 The Authority shall provide technical assistance with regard to  
28 the effective use of the urban development action grants. The  
29 Authority shall file an annual report to the General Assembly  
30 concerning the progress of the grant program.

31 (o) The Authority may establish a Housing Partnership  
32 Program whereby the Authority provides zero-interest loans to  
33 municipalities for the purpose of assisting in the financing of  
34 projects for the rehabilitation of affordable multi-family  
35 housing for low and moderate income residents. The Authority  
36 may provide such loans only upon a municipality's providing

1 evidence that it has obtained private funding for the  
2 rehabilitation project. The Authority shall provide 3 State  
3 dollars for every 7 dollars obtained by the municipality from  
4 sources other than the State of Illinois. The loans shall be  
5 made from monies appropriated for such purpose from the Build  
6 Illinois Bond Fund ~~or the Build Illinois Purposes Fund~~. The  
7 total amount of loans available under the Housing Partnership  
8 Program shall not exceed \$30,000,000. State loan monies under  
9 this subsection shall be used only for the acquisition and  
10 rehabilitation of existing buildings containing 4 or more  
11 dwelling units. The terms of any loan made by the municipality  
12 under this subsection shall require repayment of the loan to  
13 the municipality upon any sale or other transfer of the  
14 project.

15 (p) The Authority may award grants to universities and  
16 research institutions, research consortiums and other  
17 not-for-profit entities for the purposes of: remodeling or  
18 otherwise physically altering existing laboratory or research  
19 facilities, expansion or physical additions to existing  
20 laboratory or research facilities, construction of new  
21 laboratory or research facilities or acquisition of modern  
22 equipment to support laboratory or research operations  
23 provided that such grants (i) be used solely in support of  
24 project and equipment acquisitions which enhance technology  
25 transfer, and (ii) not constitute more than 60 percent of the  
26 total project or acquisition cost.

27 (q) Grants may be awarded by the Authority to units of  
28 local government for the purpose of developing the appropriate  
29 infrastructure or defraying other costs to the local government  
30 in support of laboratory or research facilities provided that  
31 such grants may not exceed 40% of the cost to the unit of local  
32 government.

33 (r) The Authority may establish a Direct Loan Program to  
34 make loans to individuals, partnerships or corporations for the  
35 purpose of an industrial project, as defined in Section 801-10  
36 of this Act. For the purposes of such program and not by way of

1 limitation on any other program of the Authority, the Authority  
2 shall have the power to issue bonds, notes, or other evidences  
3 of indebtedness including commercial paper for purposes of  
4 providing a fund of capital from which it may make such loans.  
5 The Authority shall have the power to use any appropriations  
6 from the State made especially for the Authority's Direct Loan  
7 Program for additional capital to make such loans or for the  
8 purposes of reserve funds or pledged funds which secure the  
9 Authority's obligations of repayment of any bond, note or other  
10 form of indebtedness established for the purpose of providing  
11 capital for which it intends to make such loans under the  
12 Direct Loan Program. For the purpose of obtaining such capital,  
13 the Authority may also enter into agreements with financial  
14 institutions and other persons for the purpose of selling loans  
15 and developing a secondary market for such loans. Loans made  
16 under the Direct Loan Program may be in an amount not to exceed  
17 \$300,000 and shall be made for a portion of an industrial  
18 project which does not exceed 50% of the total project. No loan  
19 may be made by the Authority unless approved by the affirmative  
20 vote of at least 8 members of the board. The Authority shall  
21 establish procedures and publish rules which shall provide for  
22 the submission, review, and analysis of each direct loan  
23 application and which shall preserve the ability of each board  
24 member to reach an individual business judgment regarding the  
25 propriety of making each direct loan. The collective discretion  
26 of the board to approve or disapprove each loan shall be  
27 unencumbered. The Authority may establish and collect such fees  
28 and charges, determine and enforce such terms and conditions,  
29 and charge such interest rates as it determines to be necessary  
30 and appropriate to the successful administration of the Direct  
31 Loan Program. The Authority may require such interests in  
32 collateral and such guarantees as it determines are necessary  
33 to protect the Authority's interest in the repayment of the  
34 principal and interest of each loan made under the Direct Loan  
35 Program.

36 (s) The Authority may guarantee private loans to third

1 parties up to a specified dollar amount in order to promote  
2 economic development in this State.

3 (t) The Authority may adopt rules and regulations as may be  
4 necessary or advisable to implement the powers conferred by  
5 this Act.

6 (u) The Authority shall have the power to issue bonds,  
7 notes or other evidences of indebtedness, which may be used to  
8 make loans to units of local government which are authorized to  
9 enter into loan agreements and other documents and to issue  
10 bonds, notes and other evidences of indebtedness for the  
11 purpose of financing the protection of storm sewer outfalls,  
12 the construction of adequate storm sewer outfalls, and the  
13 provision for flood protection of sanitary sewage treatment  
14 plans, in counties that have established a stormwater  
15 management planning committee in accordance with Section  
16 5-1062 of the Counties Code. Any such loan shall be made by the  
17 Authority pursuant to the provisions of Section 820-5 to 820-60  
18 of this Act. The unit of local government shall pay back to the  
19 Authority the principal amount of the loan, plus annual  
20 interest as determined by the Authority. The Authority shall  
21 have the power, subject to appropriations by the General  
22 Assembly, to subsidize or buy down a portion of the interest on  
23 such loans, up to 4% per annum.

24 (v) The Authority may accept security interests as provided  
25 in Sections 11-3 and 11-3.3 of the Illinois Public Aid Code.

26 (w) Moral Obligation. In the event that the Authority  
27 determines that monies of the Authority will not be sufficient  
28 for the payment of the principal of and interest on its bonds  
29 during the next State fiscal year, the Chairperson, as soon as  
30 practicable, shall certify to the Governor the amount required  
31 by the Authority to enable it to pay such principal of and  
32 interest on the bonds. The Governor shall submit the amount so  
33 certified to the General Assembly as soon as practicable, but  
34 no later than the end of the current State fiscal year. This  
35 subsection shall apply only to any bonds or notes as to which  
36 the Authority shall have determined, in the resolution

1 authorizing the issuance of the bonds or notes, that this  
2 subsection shall apply. Whenever the Authority makes such a  
3 determination, that fact shall be plainly stated on the face of  
4 the bonds or notes and that fact shall also be reported to the  
5 Governor. In the event of a withdrawal of moneys from a reserve  
6 fund established with respect to any issue or issues of bonds  
7 of the Authority to pay principal or interest on those bonds,  
8 the Chairperson of the Authority, as soon as practicable, shall  
9 certify to the Governor the amount required to restore the  
10 reserve fund to the level required in the resolution or  
11 indenture securing those bonds. The Governor shall submit the  
12 amount so certified to the General Assembly as soon as  
13 practicable, but no later than the end of the current State  
14 fiscal year. The Authority shall obtain written approval from  
15 the Governor for any bonds and notes to be issued under this  
16 Section. In addition to any other bonds authorized to be issued  
17 under Sections 825-60, 825-65(e), 830-25 and 845-5, the  
18 principal amount of Authority bonds outstanding issued under  
19 this Section 801-40(w) or under 20 ILCS 3850/1-80 or 30 ILCS  
20 360/2-6(c), which have been assumed by the Authority, shall not  
21 exceed \$150,000,000.

22 (Source: P.A. 93-205, eff. 1-1-04.)

23 (20 ILCS 3501/805-15)

24 Sec. 805-15. Industrial Project Insurance Fund. There is  
25 created the Industrial Project Insurance Fund, hereafter  
26 referred to in Sections 805-15 through 805-50 of this Act as  
27 the "Fund". The Treasurer shall have custody of the Fund, which  
28 shall be held outside of the State treasury, except that  
29 custody may be transferred to and held by any bank, trust  
30 company or other fiduciary with whom the Authority executes a  
31 trust agreement as authorized by paragraph (h) of Section  
32 805-20 of this Act. Any portion of the Fund against which a  
33 charge has been made, shall be held for the benefit of the  
34 holders of the loans or bonds insured under Section 805-20 of  
35 this Act. There shall be deposited in the Fund such amounts,

1 including but not limited to:

2 (a) All receipts of bond and loan insurance premiums;

3 (b) All proceeds of assets of whatever nature received by  
4 the Authority as a result of default or delinquency with  
5 respect to insured loans or bonds with respect to which  
6 payments from the Fund have been made, including proceeds from  
7 the sale, disposal, lease or rental of real or personal  
8 property which the Authority may receive under the provisions  
9 of this Article but excluding the proceeds of insurance  
10 hereunder;

11 (c) All receipts from any applicable contract or agreement  
12 entered into by the Authority under paragraph (b) of Section  
13 805-20 of this Act;

14 (d) Any State appropriations, transfers of appropriations,  
15 or transfers of general obligation bond proceeds or other  
16 monies made available to the Fund. Amounts in the Fund shall be  
17 used in accordance with the provisions of this Article to  
18 satisfy any valid insurance claim payable therefrom and may be  
19 used for any other purpose determined by the Authority in  
20 accordance with insurance contract or contracts with financial  
21 institutions entered into pursuant to this Act, including  
22 without limitation protecting the interest of the Authority in  
23 industrial projects during periods of loan delinquency or upon  
24 loan default through the purchase of industrial projects in  
25 foreclosure proceedings or in lieu of foreclosure or through  
26 any other means. Such amounts may also be used to pay  
27 administrative costs and expenses reasonably allocable to the  
28 activities in connection with the Fund and to pay taxes,  
29 maintenance, insurance, security and any other costs and  
30 expenses of bidding for, acquiring, owning, carrying and  
31 disposing of industrial projects which were financed with the  
32 proceeds of insured bonds or loans. In the case of a default in  
33 payment with respect to any loan, mortgage or other agreement  
34 so insured, the amount of the default shall immediately, and at  
35 all times during the continuance of such default, and to the  
36 extent provided in any applicable agreement, constitute a

1 charge on the Fund. Any amounts in the Fund not currently  
2 needed to meet the obligations of the Fund may be invested as  
3 provided by law in obligations designated by the Authority, and  
4 all income from such investments shall become part of the Fund.  
5 In making such investments, the Authority shall act with the  
6 care, skill, diligence and prudence under the circumstances of  
7 a prudent person acting in a like capacity in the conduct of an  
8 enterprise of like character and with like aims. It shall  
9 diversify such investments of the Authority so as to minimize  
10 the risk of large losses, unless under the circumstances it is  
11 clearly not prudent to do so. ~~Any amounts in the Fund not~~  
12 ~~needed to meet the obligations of the Fund may be transferred~~  
13 ~~to the Credit Enhancement Development Fund of the Authority~~  
14 ~~pursuant to resolution of the members of the Authority.~~

15 (Source: P.A. 93-205, eff. 1-1-04.)

16 Section 55-45. The Illinois Building Commission Act is  
17 amended by changing Section 50 as follows:

18 (20 ILCS 3918/50)

19 Sec. 50. ~~The~~ Illinois Building Commission Fees Revolving  
20 ~~Fund. The Illinois Building Commission Revolving Fund is~~  
21 ~~created in the State treasury.~~ The Illinois Building Commission  
22 may establish fees, each of which may not exceed \$250, for  
23 services provided in fulfilling its mandate under this Act,  
24 except that for dispute resolution between the Illinois  
25 Department of Public Health and a health care provider, the  
26 Commission may establish fees to be paid by the health care  
27 provider, which may not exceed \$10,000. All fees collected by  
28 the Commission shall be deposited into the General Revenue Fund  
29 ~~Illinois Building Commission Revolving Fund.~~ The Commission  
30 may also accept donations or moneys from any other source ~~for~~  
31 ~~deposit into this fund.~~ The Illinois Building Commission All  
32 ~~interest accrued on the fees, donations, and other deposits to~~  
33 ~~the Illinois Building Commission Revolving Fund shall be~~  
34 ~~deposited into the fund. All moneys in the Illinois Building~~

1 ~~Commission Revolving Fund may be used~~, subject to appropriation  
2 by the General Assembly, may expend moneys to carry out the  
3 activities of the Act, including the expenses of the Illinois  
4 Building Commission, a clearinghouse on State building  
5 requirements, or other purposes consistent with this Act.

6 (Source: P.A. 91-581, eff. 8-14-99; 92-803, eff. 8-16-02.)

7 Section 55-50. The State Finance Act is amended by changing  
8 Section 8c as follows:

9 (30 ILCS 105/8c) (from Ch. 127, par. 144c)

10 Sec. 8c. Appropriations for projects and activities  
11 authorized by The Build Illinois Act ~~are payable from the Build~~  
12 ~~Illinois Purposes Fund, but~~ may be obligated and expended only  
13 with the written approval of the Governor in such amounts, at  
14 such times, and for such purposes as contemplated in such  
15 appropriations and in The Build Illinois Act.

16 (Source: P.A. 90-372, eff. 7-1-98.)

17 Section 55-55. The Natural Heritage Fund Act is amended by  
18 changing Section 4 as follows:

19 (30 ILCS 150/4) (from Ch. 105, par. 734)

20 Sec. 4. The Natural Heritage Fund and the Natural Heritage  
21 Endowment Trust Fund. There is established the Natural Heritage  
22 Fund. The moneys in this fund shall be used, pursuant to  
23 appropriation, exclusively by the Department for the  
24 preservation and maintenance of natural heritage lands held in  
25 the public trust. The Natural Heritage Fund shall be financed  
26 through transfers of investment income earned by the Natural  
27 Heritage Endowment Trust Fund created herebelow.

28 The Natural Heritage Endowment Trust Fund (Trust Fund) is  
29 created as a trust fund in the State treasury. The Trust Fund  
30 shall be established in the form of an irrevocable trust in a  
31 depository bank with capital in surplus of at least \$50,000,000  
32 and approved by the State Treasurer. The Trust Fund shall be

1 financed by a combination of private donations and by  
2 appropriations by the General Assembly ~~from the Build Illinois~~  
3 ~~Purposes Fund~~. The Department may accept from all sources,  
4 contributions, grants, gifts, bequeaths, legacies of money and  
5 securities to be deposited into the Trust Fund. All deposits  
6 shall become part of the Trust Fund corpus. Moneys in the Trust  
7 Fund, are not subject to appropriation and shall be used solely  
8 to provide financing to the Natural Heritage Fund.

9 All gifts, grants, assets, funds, or moneys received by the  
10 Department under this Act shall be deposited and held in the  
11 Trust Fund by the State Treasurer as ex officio custodian  
12 separate and apart from all public moneys or funds of this  
13 State and shall be administered by the Director exclusively for  
14 the purposes set forth in this Act. All moneys in the Trust  
15 Fund shall be invested and reinvested by the State Treasurer.  
16 All interest accruing from these investments shall be deposited  
17 in the Trust Fund.

18 The Governor shall request and the General Assembly may  
19 appropriate funds ~~from the Build Illinois Purposes Fund~~ to the  
20 Trust Fund up to an amount not to exceed a total of \$2,500,000.  
21 Subject to appropriation, the Department shall pay into the  
22 Trust Fund at the end of each fiscal year the sum of \$500,000  
23 and such sum equal to the amount by which private contributions  
24 for the year exceed \$500,000. Once the corpus of the Trust Fund  
25 has reached \$5,000,000, any obligation of the State to provide  
26 State funds to the Trust Fund shall cease; however, additional  
27 private funds donated specifically to the Trust Fund shall be  
28 applied to the Trust Fund corpus.

29 (Source: P.A. 87-1197.)

30 Section 55-60. The Build Illinois Bond Act is amended by  
31 changing Section 2 as follows:

32 (30 ILCS 425/2) (from Ch. 127, par. 2802)

33 Sec. 2. Authorization for Bonds. The State of Illinois is  
34 authorized to issue, sell and provide for the retirement of

1 limited obligation bonds, notes and other evidences of  
2 indebtedness of the State of Illinois in the total principal  
3 amount of \$3,805,509,000 herein called "Bonds". Such  
4 authorized amount of Bonds shall be reduced from time to time  
5 by amounts, if any, which are equal to the moneys received by  
6 the Department of Revenue in any fiscal year pursuant to  
7 Section 3-1001 of the "Illinois Vehicle Code", as amended, in  
8 excess of the Annual Specified Amount (as defined in Section 3  
9 of the "Retailers' Occupation Tax Act", as amended) and  
10 transferred at the end of such fiscal year from the General  
11 Revenue Fund to the Build Illinois Purposes Fund (now  
12 abolished) as provided in Section 3-1001 of said Code;  
13 provided, however, that no such reduction shall affect the  
14 validity or enforceability of any Bonds issued prior to such  
15 reduction. Such amount of authorized Bonds shall be exclusive  
16 of any refunding Bonds issued pursuant to Section 15 of this  
17 Act and exclusive of any Bonds issued pursuant to this Section  
18 which are redeemed, purchased, advance refunded, or defeased in  
19 accordance with paragraph (f) of Section 4 of this Act. Bonds  
20 shall be issued for the categories and specific purposes  
21 expressed in Section 4 of this Act.

22 (Source: P.A. 91-39, eff. 6-15-99; 91-53, eff. 6-30-99; 91-709,  
23 eff. 5-17-00; 92-9, eff. 6-11-01; 92-598, 6-28-02.)

24 Section 55-65. The Build Illinois Act is amended by  
25 changing Sections 8-3, 9-3, 9-4.2, 9-5.2, and 10-3 as follows:

26 (30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

27 Sec. 8-3. Powers of the Department. The Department has the  
28 power to:

29 (a) provide business development public infrastructure  
30 loans or grants from appropriations from the Build Illinois  
31 Bond Fund, ~~the Build Illinois Purposes Fund,~~ the Fund for  
32 Illinois' Future, and the Public Infrastructure Construction  
33 Loan Fund to local governments to provide or improve a  
34 community's public infrastructure so as to create or retain

1 private sector jobs pursuant to the provisions of this Article;

2 (b) provide affordable financing of public infrastructure  
3 loans and grants to, or on behalf of, local governments, local  
4 public entities, medical facilities, and public health clinics  
5 from appropriations from the Public Infrastructure  
6 Construction Loan Fund for the purpose of assisting with the  
7 financing, or application and access to financing, of a  
8 community's public infrastructure necessary to health, safety,  
9 and economic development;

10 (c) enter into agreements, accept funds or grants, and  
11 engage in cooperation with agencies of the federal government,  
12 or state or local governments to carry out the purposes of this  
13 Article, and to use funds appropriated pursuant to this Article  
14 to participate in federal infrastructure loan and grant  
15 programs upon such terms and conditions as may be established  
16 by the federal government;

17 (d) establish application, notification, contract, and  
18 other procedures, rules, or regulations deemed necessary and  
19 appropriate to carry out the provisions of this Article;

20 (e) coordinate assistance under this program with  
21 activities of the Illinois Finance Authority in order to  
22 maximize the effectiveness and efficiency of State development  
23 programs;

24 (f) coordinate assistance under the Affordable Financing  
25 of Public Infrastructure Loan and Grant Program with the  
26 activities of the Illinois Finance Authority, ~~Illinois Finance~~  
27 ~~Authority, Illinois Finance Authority,~~ Illinois Housing  
28 Development Authority, Illinois Environmental Protection  
29 Agency, and other federal and State programs and entities  
30 providing financing assistance to communities for public  
31 health, safety, and economic development infrastructure;

32 (f-5) provide staff, administration, and related support  
33 required to manage the programs authorized under this Article  
34 and pay for the staffing, administration, and related support  
35 from the Public Infrastructure Construction Loan Revolving  
36 Fund;

1 (g) exercise such other powers as are necessary or  
2 incidental to the foregoing.

3 (Source: P.A. 93-205 (Sections 890-10, 890-34, and 890-43),  
4 eff. 1-1-04; revised 10-3-03.)

5 (30 ILCS 750/9-3) (from Ch. 127, par. 2709-3)

6 Sec. 9-3. Powers and duties. The Department has the power:

7 (a) To make loans or equity investments to small  
8 businesses, and to make loans or grants or investments to or  
9 through financial intermediaries. The loans and investments  
10 shall be made from appropriations from the Build Illinois Bond  
11 Fund, ~~Build Illinois Purposes Fund~~, Illinois Capital Revolving  
12 Loan Fund or Illinois Equity Revolving Fund for the purpose of  
13 promoting the creation or retention of jobs within small  
14 businesses or to modernize or maintain competitiveness of firms  
15 in Illinois. The grants shall be made from appropriations from  
16 the Build Illinois Bond Fund, ~~Build Illinois Purposes Fund~~, or  
17 Illinois Capital Revolving Loan Fund for the purpose of  
18 technical assistance.

19 (b) To make loans to or investments in businesses that have  
20 received federal Phase I Small Business Innovation Research  
21 grants as a bridge while awaiting federal Phase II Small  
22 Business Innovation Research grant funds.

23 (c) To enter into interagency agreements, accept funds or  
24 grants, and engage in cooperation with agencies of the federal  
25 government, local units of government, universities, research  
26 foundations, political subdivisions of the State, financial  
27 intermediaries, and regional economic development corporations  
28 or organizations for the purposes of carrying out this Article.

29 (d) To enter into contracts, financial intermediary  
30 agreements, or any other agreements or contracts with financial  
31 intermediaries necessary or desirable to further the purposes  
32 of this Article. Any such agreement or contract may include,  
33 without limitation, terms and provisions including, but not  
34 limited to loan documentation, review and approval procedures,  
35 organization and servicing rights, and default conditions.

1 (e) To fix, determine, charge and collect any premiums,  
2 fees, charges, costs and expenses, including without  
3 limitation, any application fees, commitment fees, program  
4 fees, financing charges, collection fees, training fees, or  
5 publication fees in connection with its activities under this  
6 Article and to accept from any source any gifts, donations, or  
7 contributions of money, property, labor, or other things of  
8 value to be held, used, and applied to carry out the purposes  
9 of this Article. All fees, charges, collections, gifts,  
10 donations, or other contributions shall be deposited into the  
11 Illinois Capital Revolving Loan Fund.

12 (f) To establish application, notification, contract, and  
13 other forms, procedures, rules or regulations deemed necessary  
14 and appropriate.

15 (g) To consent, subject to the provisions of any contract  
16 with another person, whenever it deems it necessary or  
17 desirable in the fulfillment of the purposes of this Article,  
18 to the modification or restructuring of any financial  
19 intermediary agreement, loan agreement or any equity  
20 investment agreement to which the Department is a party.

21 (h) To take whatever actions are necessary or appropriate  
22 to protect the State's interest in the event of bankruptcy,  
23 default, foreclosure, or noncompliance with the terms and  
24 conditions of financial assistance or participation provided  
25 hereunder or to otherwise protect or affect the State's  
26 interest, including the power to sell, dispose, lease or rent,  
27 upon terms and conditions determined by the Director to be  
28 appropriate, real or personal property which the Department may  
29 receive as a result thereof.

30 (i) To deposit any "Qualified Securities" which have been  
31 received by the Department as the result of any financial  
32 intermediary agreement, loan, or equity investment agreement  
33 executed in the carrying out of this Act, with the Office of  
34 the State Treasurer and held by that office until agreement to  
35 transfer such qualified security shall be certified by the  
36 Director of ~~the Department of~~ Commerce and Economic Opportunity

1 ~~Community Affairs.~~

2 (j) To assist small businesses that seek to apply for  
3 public or private capital in preparing the application and to  
4 supply them with grant information, plans, reports,  
5 assistance, or advice on development finance and to assist  
6 financial intermediaries and participating lenders to build  
7 capacity to make debt or equity investments through  
8 conferences, workshops, seminars, publications, or any other  
9 media.

10 (k) To provide for staff, administration, and related  
11 support required to manage the programs authorized under this  
12 Article and pay for staffing and administration from the  
13 Illinois Capital Revolving Loan Fund, as appropriated by the  
14 General Assembly. Administration responsibilities may include,  
15 but are not limited to, research and identification of credit  
16 disadvantaged groups; design of comprehensive statewide  
17 capital access plans and programs addressing capital gap and  
18 capital marketplace structure and information barriers;  
19 direction, management, and control of specific projects; and  
20 communicate and cooperation with public development finance  
21 organizations and private debt and equity sources.

22 (l) To exercise such other powers as are necessary or  
23 incidental to the foregoing.

24 (Source: P.A. 88-422; revised 12-6-03.)

25 (30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

26 Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

27 (a) There is hereby created the Illinois Capital Revolving  
28 Loan Fund, hereafter referred to in this Article as the  
29 "Capital Fund" to be held as a separate fund within the State  
30 Treasury.

31 The purpose of the Capital Fund is to finance intermediary  
32 agreements, administration, technical assistance agreements,  
33 loans, grants, or investments in Illinois. In addition, funds  
34 may be used for a one time transfer in fiscal year 1994, not to  
35 exceed the amounts appropriated, to the Public Infrastructure

1 Construction Loan Revolving Fund for grants and loans pursuant  
2 to the Public Infrastructure Loan and Grant Program Act.  
3 Investments, administration, grants, and financial aid shall  
4 be used for the purposes set for in this Article. Loan  
5 financing will be in the form of loan agreements pursuant to  
6 the terms and conditions set forth in this Article. All loans  
7 shall be conditioned on the project receiving financing from  
8 participating lenders or other investors. Loan proceeds shall  
9 be available for project costs, except for debt refinancing.

10 (b) There shall be deposited in the Capital Fund such  
11 amounts, including but not limited to:

12 (i) All receipts, including dividends, principal and  
13 interest payments and royalties, from any applicable loan,  
14 intermediary, or technical assistance agreement made from  
15 the Capital Fund or from direct appropriations from the  
16 Build Illinois Bond Fund or the Build Illinois Purposes  
17 Fund (now abolished) by the General Assembly entered into  
18 by the Department;

19 (ii) All proceeds of assets of whatever nature received  
20 by the Department as a result of default or delinquency  
21 with respect to loan agreements made from the Capital Fund  
22 or from direct appropriations by the General Assembly,  
23 including proceeds from the sale, disposal, lease or rental  
24 of real or personal property which the Department may  
25 receive as a result thereof;

26 (iii) Any appropriations, grants or gifts made to the  
27 Capital Fund;

28 (iv) Any income received from interest on investments  
29 of moneys in the Capital Fund;

30 (v) All moneys resulting from the collection of  
31 premiums, fees, charges, costs, and expenses described in  
32 subsection (e) of Section 9-3.

33 (c) The Treasurer may invest moneys in the Capital Fund in  
34 securities constituting obligations of the United States  
35 Government, or in obligations the principal of and interest on  
36 which are guaranteed by the United States Government, in

1 obligations the principal of and interest on which are  
2 guaranteed by the United States Government, or in certificates  
3 of deposit of any State or national bank which are fully  
4 secured by obligations guaranteed as to principal and interest  
5 by the United States Government.

6 (Source: P.A. 88-422.)

7 (30 ILCS 750/9-5.2) (from Ch. 127, par. 2709-5.2)

8 Sec. 9-5.2. Illinois Equity Investment Revolving Fund.

9 (a) There is created the Illinois Equity Investment  
10 Revolving Fund, hereafter referred to in this Article as the  
11 "Equity Fund" to be held as a separate fund within the State  
12 Treasury. The purpose of the Equity Fund is to make equity  
13 investments in Illinois. All financing will be done in  
14 conjunction with participating lenders or other investors.  
15 Investment proceeds may be directed to working capital expenses  
16 associated with the introduction of new technical products or  
17 services of individual business projects or may be used for  
18 equity finance pools operated by intermediaries.

19 (b) There shall be deposited in the Equity Fund such  
20 amounts, including but not limited to:

21 (i) All receipts including dividends, principal and  
22 interest payments, royalties, or other return on  
23 investment from any applicable loan made from the Equity  
24 Fund, from direct appropriations by the General Assembly  
25 from the Build Illinois Fund or the Build Illinois Purposes  
26 Fund (now abolished), or from intermediary agreements made  
27 from the Equity Fund entered into by the Department;

28 (ii) All proceeds of assets of whatever nature received  
29 by the Department as a result of default or delinquency  
30 with respect to loan agreements made from the Equity Fund,  
31 or from direct appropriations by the General Assembly  
32 including proceeds from the sale, disposal, lease or rental  
33 of real or personal property which the Department may  
34 receive as a result thereof;

35 (iii) any appropriations, grants or gifts made to the

1 Equity Fund;

2 (iv) any income received from interest on investments  
3 of moneys in the Equity Fund.

4 (c) The Treasurer may invest moneys in the Equity Fund in  
5 securities constituting direct obligations of the United  
6 States Government, or in obligations the principal of and  
7 interest on which are guaranteed by the United States  
8 Government, or in certificates of deposit of any State or  
9 national bank which are fully secured by obligations guaranteed  
10 as to principal and interest by the United States Government.

11 (Source: P.A. 88-422.)

12 (30 ILCS 750/10-3) (from Ch. 127, par. 2710-3)

13 Sec. 10-3. Powers and Duties. The Department has the power  
14 to:

15 (a) Provide loans from the Build Illinois Bond Fund, ~~the~~  
16 ~~Build Illinois Purposes Fund,~~ the Fund for Illinois' Future, or  
17 the Large Business Attraction Fund to a business undertaking a  
18 project and accept mortgages or other evidences of indebtedness  
19 or security of such business.

20 (b) Provide grants from the Build Illinois Bond Fund, ~~the~~  
21 ~~Build Illinois Purposes Fund,~~ the Fund for Illinois' Future, or  
22 the Large Business Attraction Fund to or for the direct benefit  
23 of a business undertaking a project. Any such grant shall (i)  
24 be made and used only for the purpose of assisting the  
25 financing of the business for the project in order to reduce  
26 the cost of financing to the business, (ii) be made only if a  
27 participating lender, or other funding source including the  
28 applicant, also provides a portion of the financing with  
29 respect to the project, and only if the Department determines,  
30 on the basis of all the information available to it, that the  
31 project would not be undertaken in Illinois unless the grant is  
32 provided, (iii) provide no more than 25% of the total dollar  
33 amount of any single project cost and be approved for amounts  
34 from the Fund not to exceed \$500,000 for any single project,  
35 unless waived by the Director upon a finding that such waiver

1 is appropriate to accomplish the purpose of this Article, (iv)  
2 be made only after the Department has determined that the grant  
3 will cause a project to be undertaken which has the potential  
4 to create substantial employment in relation to the amount of  
5 the grant, and (v) be made with a business that has certified  
6 the project is a new plant start-up or expansion and is not a  
7 relocation of an existing business from another site in  
8 Illinois unless that relocation results in substantial  
9 employment growth.

10 (c) Enter into agreements, accept funds or grants and  
11 cooperate with agencies of the federal government, local units  
12 of government and local regional economic development  
13 corporations or organizations for the purposes of carrying out  
14 this Article.

15 (d) Enter into contracts, letters of credit or any other  
16 agreements or contracts with financial institutions necessary  
17 or desirable to carry out the purposes of this Article. Any  
18 such agreement or contract may include, without limitation,  
19 terms and provisions relating to a specific project such as  
20 loan documentation, review and approval procedures,  
21 organization and servicing rights, default conditions and  
22 other program aspects.

23 (e) Fix, determine, charge and collect any premiums, fees,  
24 charges, costs and expenses, including application fees,  
25 commitment fees, program fees, financing charges or  
26 publication fees in connection with its activities under this  
27 Article.

28 (f) Establish application, notification, contract and  
29 other procedures, rules or regulations deemed necessary and  
30 appropriate.

31 (g) Subject to the provisions of any contract with another  
32 person and consent to the modification or restructuring of any  
33 loan agreement to which the Department is a party.

34 (h) Take any actions which are necessary or appropriate to  
35 protect the State's interest in the event of bankruptcy,  
36 default, foreclosure or noncompliance with the terms and

1 conditions of financial assistance or participation provided  
2 under this Article, including the power to sell, dispose, lease  
3 or rent, upon terms and conditions determined by the Director  
4 to be appropriate, real or personal property which the  
5 Department may receive as a result thereof.

6 (i) Acquire and accept by gift, grant, purchase or  
7 otherwise, but not by condemnation, fee simple title, or such  
8 lesser interest as may be desired, in land, and to improve or  
9 arrange for the improvement of such land for industrial or  
10 commercial site development purposes, and to lease or convey  
11 such land, or interest in land, so acquired and so improved,  
12 including sale and conveyance subject to a mortgage, for such  
13 price, upon such terms and at such time as the Department may  
14 determine, provided that prior to exercising its authority  
15 under this subsection, the Director shall find that other means  
16 of financing and developing any such project are not reasonably  
17 available and that such action is consistent with the purposes  
18 and policies of this Article.

19 (j) Provide grants from the Build Illinois Bond Fund ~~or~~  
20 ~~Build Illinois Purposes Fund~~ to municipalities and counties to  
21 demolish abandoned buildings pursuant to Section 11-31-1 of the  
22 Illinois Municipal Code or Section 5-1080 of the Counties Code,  
23 for the purpose of making unimproved land available for  
24 purchase by businesses for economic development. Such grants  
25 shall be provided only when: (1) the owner of property on which  
26 the abandoned building is situated has entered into a contract  
27 to sell such property; (2) the Department has determined that  
28 the grant will be used to cause a project to be undertaken  
29 which will result in the creation of employment; (3) the  
30 business which has entered into a contract to purchase the  
31 property has certified that it will use the property for a  
32 project which is a new plant start-up or expansion or a new  
33 venture opportunity and is not a relocation of an existing  
34 business from another site within the State unless that  
35 relocation results in substantial employment growth. If a  
36 municipality or county receives grants under this paragraph, it

1 shall file a notice of lien against the owner or owners of such  
2 demolished buildings to recover the costs and expenses incurred  
3 in the demolition of such buildings pursuant to Section 11-31-1  
4 of the Illinois Municipal Code or Section 5-1080 of the  
5 Counties Code. All such costs and expenses recovered by the  
6 county or municipality shall be paid to the Department for  
7 deposit in the Build Illinois Purposes Account. Priority shall  
8 be given to enterprise zones or those areas with high  
9 unemployment whose tax base is adversely impacted by the  
10 closing of existing factories.

11 (k) Exercise such other powers as are necessary or  
12 incidental to the foregoing.

13 (Source: P.A. 91-34, eff. 7-1-99.)

14 Section 55-70. The Cigarette Tax Act is amended by changing  
15 Sections 2 and 29 as follows:

16 (35 ILCS 130/2) (from Ch. 120, par. 453.2)

17 Sec. 2. Tax imposed; rate; collection, payment, and  
18 distribution; discount.

19 (a) A tax is imposed upon any person engaged in business as  
20 a retailer of cigarettes in this State at the rate of 5 1/2  
21 mills per cigarette sold, or otherwise disposed of in the  
22 course of such business in this State. In addition to any other  
23 tax imposed by this Act, a tax is imposed upon any person  
24 engaged in business as a retailer of cigarettes in this State  
25 at a rate of 1/2 mill per cigarette sold or otherwise disposed  
26 of in the course of such business in this State on and after  
27 January 1, 1947, and shall be paid into the Metropolitan Fair  
28 and Exposition Authority Reconstruction Fund or as otherwise  
29 provided in Section 29. On and after December 1, 1985, in  
30 addition to any other tax imposed by this Act, a tax is imposed  
31 upon any person engaged in business as a retailer of cigarettes  
32 in this State at a rate of 4 mills per cigarette sold or  
33 otherwise disposed of in the course of such business in this  
34 State. Of the additional tax imposed by this amendatory Act of

1 1985, \$9,000,000 of the moneys received by the Department of  
2 Revenue pursuant to this Act shall be paid each month into the  
3 Common School Fund. On and after the effective date of this  
4 amendatory Act of 1989, in addition to any other tax imposed by  
5 this Act, a tax is imposed upon any person engaged in business  
6 as a retailer of cigarettes at the rate of 5 mills per  
7 cigarette sold or otherwise disposed of in the course of such  
8 business in this State. On and after the effective date of this  
9 amendatory Act of 1993, in addition to any other tax imposed by  
10 this Act, a tax is imposed upon any person engaged in business  
11 as a retailer of cigarettes at the rate of 7 mills per  
12 cigarette sold or otherwise disposed of in the course of such  
13 business in this State. On and after December 15, 1997, in  
14 addition to any other tax imposed by this Act, a tax is imposed  
15 upon any person engaged in business as a retailer of cigarettes  
16 at the rate of 7 mills per cigarette sold or otherwise disposed  
17 of in the course of such business of this State. All of the  
18 moneys received by the Department of Revenue pursuant to this  
19 Act and the Cigarette Use Tax Act from the additional taxes  
20 imposed by this amendatory Act of 1997, shall be paid each  
21 month into the Common School Fund. On and after July 1, 2002,  
22 in addition to any other tax imposed by this Act, a tax is  
23 imposed upon any person engaged in business as a retailer of  
24 cigarettes at the rate of 20.0 mills per cigarette sold or  
25 otherwise disposed of in the course of such business in this  
26 State. The payment of such taxes shall be evidenced by a stamp  
27 affixed to each original package of cigarettes, or an  
28 authorized substitute for such stamp imprinted on each original  
29 package of such cigarettes underneath the sealed transparent  
30 outside wrapper of such original package, as hereinafter  
31 provided. However, such taxes are not imposed upon any activity  
32 in such business in interstate commerce or otherwise, which  
33 activity may not under the Constitution and statutes of the  
34 United States be made the subject of taxation by this State.

35 Beginning on the effective date of this amendatory Act of  
36 the 92nd General Assembly, all of the moneys received by the

1 Department of Revenue pursuant to this Act and the Cigarette  
2 Use Tax Act, other than the moneys that are dedicated to ~~the~~  
3 ~~Metropolitan Fair and Exposition Authority Reconstruction Fund~~  
4 ~~and~~ the Common School Fund, shall be distributed each month as  
5 follows: first, there shall be paid into the General Revenue  
6 Fund an amount which, when added to the amount paid into the  
7 Common School Fund for that month, equals \$33,300,000, except  
8 that in the month of August of 2004, this amount shall equal  
9 \$83,300,000; then, from the moneys remaining, if any amounts  
10 required to be paid into the General Revenue Fund in previous  
11 months remain unpaid, those amounts shall be paid into the  
12 General Revenue Fund; then, beginning on April 1, 2003, from  
13 the moneys remaining, \$5,000,000 per month shall be paid into  
14 the School Infrastructure Fund; then, if any amounts required  
15 to be paid into the School Infrastructure Fund in previous  
16 months remain unpaid, those amounts shall be paid into the  
17 School Infrastructure Fund; then the moneys remaining, if any,  
18 shall be paid into the Long-Term Care Provider Fund. To the  
19 extent that more than \$25,000,000 has been paid into the  
20 General Revenue Fund and Common School Fund per month for the  
21 period of July 1, 1993 through the effective date of this  
22 amendatory Act of 1994 from combined receipts of the Cigarette  
23 Tax Act and the Cigarette Use Tax Act, notwithstanding the  
24 distribution provided in this Section, the Department of  
25 Revenue is hereby directed to adjust the distribution provided  
26 in this Section to increase the next monthly payments to the  
27 Long Term Care Provider Fund by the amount paid to the General  
28 Revenue Fund and Common School Fund in excess of \$25,000,000  
29 per month and to decrease the next monthly payments to the  
30 General Revenue Fund and Common School Fund by that same excess  
31 amount.

32 When any tax imposed herein terminates or has terminated,  
33 distributors who have bought stamps while such tax was in  
34 effect and who therefore paid such tax, but who can show, to  
35 the Department's satisfaction, that they sold the cigarettes to  
36 which they affixed such stamps after such tax had terminated

1 and did not recover the tax or its equivalent from purchasers,  
2 shall be allowed by the Department to take credit for such  
3 absorbed tax against subsequent tax stamp purchases from the  
4 Department by such distributor.

5 The impact of the tax levied by this Act is imposed upon  
6 the retailer and shall be prepaid or pre-collected by the  
7 distributor for the purpose of convenience and facility only,  
8 and the amount of the tax shall be added to the price of the  
9 cigarettes sold by such distributor. Collection of the tax  
10 shall be evidenced by a stamp or stamps affixed to each  
11 original package of cigarettes, as hereinafter provided.

12 Each distributor shall collect the tax from the retailer at  
13 or before the time of the sale, shall affix the stamps as  
14 hereinafter required, and shall remit the tax collected from  
15 retailers to the Department, as hereinafter provided. Any  
16 distributor who fails to properly collect and pay the tax  
17 imposed by this Act shall be liable for the tax. Any  
18 distributor having cigarettes to which stamps have been affixed  
19 in his possession for sale on the effective date of this  
20 amendatory Act of 1989 shall not be required to pay the  
21 additional tax imposed by this amendatory Act of 1989 on such  
22 stamped cigarettes. Any distributor having cigarettes to which  
23 stamps have been affixed in his or her possession for sale at  
24 12:01 a.m. on the effective date of this amendatory Act of  
25 1993, is required to pay the additional tax imposed by this  
26 amendatory Act of 1993 on such stamped cigarettes. This  
27 payment, less the discount provided in subsection (b), shall be  
28 due when the distributor first makes a purchase of cigarette  
29 tax stamps after the effective date of this amendatory Act of  
30 1993, or on the first due date of a return under this Act after  
31 the effective date of this amendatory Act of 1993, whichever  
32 occurs first. Any distributor having cigarettes to which stamps  
33 have been affixed in his possession for sale on December 15,  
34 1997 shall not be required to pay the additional tax imposed by  
35 this amendatory Act of 1997 on such stamped cigarettes.

36 Any distributor having cigarettes to which stamps have been

1 affixed in his or her possession for sale on July 1, 2002 shall  
2 not be required to pay the additional tax imposed by this  
3 amendatory Act of the 92nd General Assembly on those stamped  
4 cigarettes.

5 The amount of the Cigarette Tax imposed by this Act shall  
6 be separately stated, apart from the price of the goods, by  
7 both distributors and retailers, in all advertisements, bills  
8 and sales invoices.

9 (b) The distributor shall be required to collect the taxes  
10 provided under paragraph (a) hereof, and, to cover the costs of  
11 such collection, shall be allowed a discount during any year  
12 commencing July 1st and ending the following June 30th in  
13 accordance with the schedule set out hereinbelow, which  
14 discount shall be allowed at the time of purchase of the stamps  
15 when purchase is required by this Act, or at the time when the  
16 tax is remitted to the Department without the purchase of  
17 stamps from the Department when that method of paying the tax  
18 is required or authorized by this Act. Prior to December 1,  
19 1985, a discount equal to  $1\frac{2}{3}\%$  of the amount of the tax up to  
20 and including the first \$700,000 paid hereunder by such  
21 distributor to the Department during any such year;  $1\frac{1}{3}\%$  of  
22 the next \$700,000 of tax or any part thereof, paid hereunder by  
23 such distributor to the Department during any such year; 1% of  
24 the next \$700,000 of tax, or any part thereof, paid hereunder  
25 by such distributor to the Department during any such year, and  
26  $\frac{2}{3}$  of 1% of the amount of any additional tax paid hereunder by  
27 such distributor to the Department during any such year shall  
28 apply. On and after December 1, 1985, a discount equal to 1.75%  
29 of the amount of the tax payable under this Act up to and  
30 including the first \$3,000,000 paid hereunder by such  
31 distributor to the Department during any such year and 1.5% of  
32 the amount of any additional tax paid hereunder by such  
33 distributor to the Department during any such year shall apply.

34 Two or more distributors that use a common means of  
35 affixing revenue tax stamps or that are owned or controlled by  
36 the same interests shall be treated as a single distributor for

1 the purpose of computing the discount.

2 (c) The taxes herein imposed are in addition to all other  
3 occupation or privilege taxes imposed by the State of Illinois,  
4 or by any political subdivision thereof, or by any municipal  
5 corporation.

6 (Source: P.A. 92-536, eff. 6-6-02; 93-839, eff. 7-30-04.)

7 (35 ILCS 130/29) (from Ch. 120, par. 453.29)

8 Sec. 29. All moneys received by the Department from the  
9 one-half mill tax imposed by the Sixty-fourth General Assembly  
10 and all interest and penalties, received in connection  
11 therewith under the provisions of this Act shall be paid into  
12 the Metropolitan Fair and Exposition Authority Reconstruction  
13 Fund. All other moneys received by the Department under this  
14 Act shall be paid into the General Revenue Fund in the State  
15 treasury. After there has been paid into the Metropolitan Fair  
16 and Exposition Authority Reconstruction Fund sufficient money  
17 to pay in full both principal and interest, all of the  
18 outstanding bonds issued pursuant to the "Fair and Exposition  
19 Authority Reconstruction Act", the State Treasurer and  
20 Comptroller shall transfer to the General Revenue Fund the  
21 balance of moneys remaining in the Metropolitan Fair and  
22 Exposition Authority Reconstruction Fund except for \$2,500,000  
23 which shall remain in the Metropolitan Fair and Exposition  
24 Authority Reconstruction Fund and which may be appropriated by  
25 the General Assembly for the corporate purposes of the  
26 Metropolitan Pier and Exposition Authority. All monies  
27 received by the Department in fiscal year 1978 and thereafter  
28 from the one-half mill tax imposed by the Sixty-fourth General  
29 Assembly, and all interest and penalties received in connection  
30 therewith under the provisions of this Act, shall be paid into  
31 the General Revenue Fund, except that the Department shall pay  
32 the first \$4,800,000 received in fiscal years 1979 through 2001  
33 from that one-half mill tax into the Metropolitan Fair and  
34 Exposition Authority Reconstruction Fund which monies may be  
35 appropriated by the General Assembly for the corporate purposes

1 of the Metropolitan Pier and Exposition Authority.

2 In fiscal year 2002 and fiscal year 2003, the first  
3 \$4,800,000 from the one-half mill tax shall be paid into the  
4 Statewide Economic Development Fund.

5 All moneys received by the Department in fiscal year 2006  
6 and thereafter from the one-half mill tax imposed by the 64th  
7 General Assembly and all interest and penalties received in  
8 connection with that tax under the provisions of this Act shall  
9 be paid into the General Revenue Fund.

10 (Source: P.A. 92-208, eff. 8-2-01; 93-22, eff. 6-20-03.)

11 Section 55-75. The Civic Center Code is amended by changing  
12 Section 240-20 as follows:

13 (70 ILCS 200/240-20)

14 Sec. 240-20. State office building. The Authority may make  
15 expenditures for the planning, acquisition, development and  
16 construction of a State office building in Rockford, Illinois.  
17 Such expenditures may be made from funds appropriated for such  
18 purposes from the Build Illinois Bond Fund ~~or the Build~~  
19 ~~Illinois Purposes Fund, created by the 84th General Assembly.~~

20 (Source: P.A. 90-328, eff. 1-1-98.)

21 Section 55-80. The Metropolitan Pier and Exposition  
22 Authority Act is amended by changing Section 10 as follows:

23 (70 ILCS 210/10) (from Ch. 85, par. 1230)

24 Sec. 10. The Authority shall have the continuing power to  
25 borrow money for the purpose of carrying out and performing its  
26 duties and exercising its powers under this Act.

27 For the purpose of evidencing the obligation of the  
28 Authority to repay any money borrowed as aforesaid, the  
29 Authority may, pursuant to ordinance adopted by the Board, from  
30 time to time issue and dispose of its revenue bonds and notes  
31 (herein collectively referred to as bonds), and may also from  
32 time to time issue and dispose of its revenue bonds to refund

1 any bonds at maturity or pursuant to redemption provisions or  
2 at any time before maturity as provided for in Section 10.1.  
3 All such bonds shall be payable solely from any one or more of  
4 the following sources: the revenues or income to be derived  
5 from the fairs, expositions, meetings, and conventions and  
6 other authorized activities of the Authority; funds, if any,  
7 received and to be received by the Authority from the Fair and  
8 Exposition Fund, as allocated by the Department of Agriculture  
9 of this State; ~~from the Metropolitan Fair and Exposition~~  
10 ~~Authority Reconstruction Fund;~~ from the Metropolitan Fair and  
11 Exposition Authority Improvement Bond Fund pursuant to  
12 appropriation by the General Assembly; from the McCormick Place  
13 Expansion Project Fund pursuant to appropriation by the General  
14 Assembly; from any revenues or funds pledged or provided for  
15 such purposes by any governmental agency; from any revenues of  
16 the Authority from taxes it is authorized to impose; from the  
17 proceeds of refunding bonds issued for that purpose; or from  
18 any other lawful source derived. Such bonds may bear such date  
19 or dates, may mature at such time or times not exceeding 40  
20 years from their respective dates, may bear interest at such  
21 rate or rates payable at such times, may be in such form, may  
22 carry such registration privileges, may be executed in such  
23 manner, may be payable at such place or places, may be made  
24 subject to redemption in such manner and upon such terms, with  
25 or without premium as is stated on the face thereof, may be  
26 executed in such manner and may contain such terms and  
27 covenants, all as may be provided in the ordinance adopted by  
28 the Board providing for such bonds. In case any officer whose  
29 signature appears on any bond ceases (after attaching his  
30 signature) to hold office, his signature shall nevertheless be  
31 valid and effective for all purposes. The holder or holders of  
32 any bonds or interest coupons appertaining thereto issued by  
33 the Authority or any trustee on behalf of the holders may bring  
34 civil actions to compel the performance and observance by the  
35 Authority or any of its officers, agents or employees of any  
36 contract or covenant made by the Authority with the holders of

1 such bonds or interest coupons and to compel the Authority and  
2 any of its officers, agents or employees to perform any duties  
3 required to be performed for the benefit of the holders of any  
4 such bonds or interest coupons by the provisions of the  
5 ordinance authorizing their issuance and to enjoin the  
6 Authority and any of its officers, agents or employees from  
7 taking any action in conflict with any such contract or  
8 covenant.

9 Notwithstanding the form and tenor of any such bonds and in  
10 the absence of any express recital on the face thereof that it  
11 is non-negotiable, all such bonds shall be negotiable  
12 instruments under the Uniform Commercial Code.

13 The bonds shall be sold by the corporate authorities of the  
14 Authority in such manner as the corporate authorities shall  
15 determine.

16 From and after the issuance of any bonds as herein provided  
17 it shall be the duty of the corporate authorities of the  
18 Authority to fix and establish rates, charges, rents and fees  
19 for the use of its grounds, buildings, and facilities that will  
20 be sufficient at all times, together with other revenues of the  
21 Authority available for that purpose, to pay:

22 (a) The cost of maintaining, repairing, regulating and  
23 operating the grounds, buildings, and facilities; and

24 (b) The bonds and interest thereon as they shall become  
25 due, and all sinking fund requirements and other  
26 requirements provided by the ordinance authorizing the  
27 issuance of the bonds or as provided by any trust agreement  
28 executed to secure payment thereof.

29 The Authority may provide that bonds issued under this Act  
30 shall be payable from and secured by an assignment and pledge  
31 of and grant of a lien on and a security interest in unexpended  
32 bond proceeds, the proceeds of any refunding bonds, reserves or  
33 sinking funds and earnings thereon, or all or any part of the  
34 moneys, funds, income and revenues of the Authority from any  
35 source derived, including, without limitation, any revenues of  
36 the Authority from taxes it is authorized to impose, the net

1 revenues of the Authority from its operations, payments from  
2 the Metropolitan Fair and Exposition Authority Improvement  
3 Bond Fund or from the McCormick Place Expansion Project Fund to  
4 the Authority or upon its direction to any trustee or trustees  
5 under any trust agreement securing such bonds, payments from  
6 any governmental agency, or any combination of the foregoing.  
7 In no event shall a lien or security interest upon the physical  
8 facilities of the Authority be created by any such lien, pledge  
9 or security interest. The Authority may execute and deliver a  
10 trust agreement or agreements to secure the payment of such  
11 bonds and for the purpose of setting forth covenants and  
12 undertakings of the Authority in connection with issuance  
13 thereof. Such pledge, assignment and grant of a lien and  
14 security interest shall be effective immediately without any  
15 further filing or action and shall be effective with respect to  
16 all persons regardless of whether any such person shall have  
17 notice of such pledge, assignment, lien or security interest.

18 In connection with the issuance of its bonds, the Authority  
19 may enter into arrangements to provide additional security and  
20 liquidity for the bonds. These may include, without limitation,  
21 municipal bond insurance, letters of credit, lines of credit by  
22 which the Authority may borrow funds to pay or redeem its bonds  
23 and purchase or remarketing arrangements for assuring the  
24 ability of owners of the Authority's bonds to sell or to have  
25 redeemed their bonds. The Authority may enter into contracts  
26 and may agree to pay fees to persons providing such  
27 arrangements, including from bond proceeds. No such  
28 arrangement or contract shall be considered a bond or note for  
29 purposes of any limitation on the issuance of bonds or notes by  
30 the Authority.

31 The ordinance of the Board authorizing the issuance of its  
32 bonds may provide that interest rates may vary from time to  
33 time depending upon criteria established by the Board, which  
34 may include, without limitation, a variation in interest rates  
35 as may be necessary to cause bonds to be remarketable from time  
36 to time at a price equal to their principal amount, and may

1 provide for appointment of a national banking association,  
2 bank, trust company, investment banker or other financial  
3 institution to serve as a remarketing agent in that connection.  
4 The ordinance of the board authorizing the issuance of its  
5 bonds may provide that alternative interest rates or provisions  
6 will apply during such times as the bonds are held by a person  
7 providing a letter of credit or other credit enhancement  
8 arrangement for those bonds.

9 To secure the payment of any or all of such bonds and for  
10 the purpose of setting forth the covenants and undertakings of  
11 the Authority in connection with the issuance thereof and the  
12 issuance of any additional bonds payable from moneys, funds,  
13 revenue and income of the Authority to be derived from any  
14 source, the Authority may execute and deliver a trust agreement  
15 or agreements; provided that no lien upon any real property of  
16 the Authority shall be created thereby.

17 A remedy for any breach or default of the terms of any such  
18 trust agreement by the Authority may be by mandamus proceedings  
19 in the circuit court to compel performance and compliance  
20 therewith, but the trust agreement may prescribe by whom or on  
21 whose behalf such action may be instituted.

22 In connection with the issuance of its bonds under this  
23 Act, the Authority may enter into contracts that it determines  
24 necessary or appropriate to permit it to manage payment or  
25 interest rate risk. These contracts may include, but are not  
26 limited to, interest rate exchange agreements; contracts  
27 providing for payment or receipt of funds based on levels of or  
28 changes in interest rates; contracts to exchange cash flows or  
29 series of payments; and contracts incorporating interest rate  
30 caps, collars, floors, or locks.

31 (Source: P.A. 92-208, eff. 8-2-01.)

32 Section 55-85. The Fair and Exposition Authority  
33 Reconstruction Act is amended by changing Sections 3 and 8 as  
34 follows:

1 (70 ILCS 215/3) (from Ch. 85, par. 1250.3)

2 Sec. 3. The Metropolitan Pier and Exposition Authority is  
3 authorized to borrow money and issue bonds in a total amount  
4 not to exceed \$40,000,000 for the purpose of reconstructing the  
5 convention hall and exposition building known as McCormick  
6 Place. Such bonds shall be payable solely from funds received  
7 by the Authority from appropriations, if any, to be made to  
8 said Authority from time to time by future General Assemblies  
9 of the State of Illinois ~~from the Metropolitan Fair and~~  
10 ~~Exposition Authority Reconstruction Fund.~~

11 (Source: P.A 87-895.)

12 (70 ILCS 215/8) (from Ch. 85, par. 1250.8)

13 Sec. 8. Appropriations ~~From moneys required to be paid into~~  
14 ~~the Metropolitan Fair and Exposition Authority Reconstruction~~  
15 ~~Fund in the State Treasury pursuant to Sections 2 and 29 of the~~  
16 ~~Cigarette Tax Act, appropriations~~ may be made from time to time  
17 by the General Assembly to the Metropolitan Pier and Exposition  
18 Authority for the payment of principal and interest of bonds of  
19 the Authority issued under the provisions of this Act and for  
20 any other lawful purpose of the Authority. Any and all of the  
21 funds so received shall be kept separate and apart from any and  
22 all other funds of the Authority. After there has been paid  
23 into the Metropolitan Fair and Exposition Authority  
24 Reconstruction Fund in the State Treasury sufficient money,  
25 pursuant to this Section and Sections 2 and 29 of the Cigarette  
26 Tax Act, to retire all bonds payable from that Fund, the taxes  
27 derived from Section 28 of the Illinois Horse Racing Act of  
28 1975 which were required to be paid into that Fund pursuant to  
29 that Act shall thereafter be paid into the Metropolitan  
30 Exposition, Auditorium and Office Building Fund in the State  
31 Treasury.

32 (Source: P.A. 87-895.)

33 Section 55-90. The Soil and Water Conservation District Act  
34 is amended by changing Section 6 as follows:

1 (70 ILCS 405/6) (from Ch. 5, par. 111)

2 Sec. 6. Powers and duties. In addition to the powers and  
3 duties otherwise conferred upon the Department, it shall have  
4 the following powers and duties:

5 (1) To offer such assistance as may be appropriate to the  
6 directors of soil and water conservation districts, organized  
7 as provided hereinafter, in the carrying out of any of the  
8 powers and programs.

9 (2) To keep the directors of each of said several districts  
10 informed of the activities and experience of other such  
11 districts, and to facilitate an interchange of advice and  
12 experience between such districts and cooperation between  
13 them.

14 (3) To coordinate the programs of the several districts so  
15 far as this may be done by advice and consultation.

16 (4) To seek the cooperation and assistance of the United  
17 States and of agencies of this State, in the work of such  
18 districts.

19 (5) To disseminate information throughout the State  
20 concerning the formation of such districts, and to assist in  
21 the formation of such districts in areas where their  
22 organization is desirable.

23 (6) To consider, review, and express its opinion concerning  
24 any rules, regulations, ordinances or other action of the board  
25 of directors of any district and to advise such board of  
26 directors accordingly.

27 (7) To prepare and submit to the Director of the Department  
28 an annual budget.

29 (8) To develop and coordinate a comprehensive State erosion  
30 and sediment control program, including guidelines to be used  
31 by districts in implementing this program. In developing this  
32 program, the Department may consult with and request technical  
33 assistance from local, State and federal agencies, and may  
34 consult and advise with technically qualified persons and with  
35 the soil and water conservation districts. The guidelines

1 developed may be revised from time to time as necessary.

2 (9) To promote among its members the management of marginal  
3 agricultural and other rural lands for forestry, consistent  
4 with the goals and purposes of the "Illinois Forestry  
5 Development Act".

6 Nothing in this Act shall authorize the Department or any  
7 district to regulate or control point source discharges to  
8 waters.

9 (10) To make grants subject to annual appropriation from  
10 the ~~Build Illinois Purposes Fund~~, the Build Illinois Bond Fund  
11 or any other sources, including the federal government, to Soil  
12 and Water Conservation Districts and the Soil Conservation  
13 Service.

14 (11) To provide payment for outstanding health care costs  
15 of Soil and Water Conservation District employees incurred  
16 between January 1, 1996 and December 31, 1996 that were  
17 eligible for reimbursement from the District's insurance  
18 carrier, Midcontinent Medical Benefit Trust, but have not been  
19 paid to date by Midcontinent. All claims shall be filed with  
20 the Department on or before January 30, 1998 to be considered  
21 for payment under the provisions of this amendatory Act of  
22 1997. The Department shall approve or reject claims based upon  
23 documentation and in accordance with established procedures.  
24 The authority granted under this item (11) expires on September  
25 1, 1998.

26 Nothing in this Act shall authorize the Department in any  
27 district to regulate or curtail point source discharges to  
28 waters.

29 (Source: P.A. 90-565, eff. 1-2-98.)

30 Section 55-95. The School Code is amended by changing  
31 Section 2-3.120 as follows:

32 (105 ILCS 5/2-3.120)

33 Sec. 2-3.120. Non-Public school students' access to  
34 technology.

1 (a) The General Assembly finds and declares that the  
2 Constitution of the State of Illinois provides that a  
3 "fundamental goal of the People of the State is the educational  
4 development of all persons to the limit of their capacities",  
5 and that the educational development of every school student  
6 serves the public purposes of the State. In order to enable  
7 Illinois students to leave school with the basic skills and  
8 knowledge that will enable them to find and hold jobs and  
9 otherwise function as productive members of society in the 21st  
10 Century, all students must have access to the vast educational  
11 resources provided by computers. The provisions of this Section  
12 are in the public interest, for the public benefit, and serve a  
13 secular public purpose.

14 (b) The State Board of Education shall provide non-public  
15 schools with ports to the Board's statewide educational  
16 network, provided that this access does not diminish the  
17 services available to public schools and students. The State  
18 Board of Education shall charge for this access in an amount  
19 necessary to offset its cost. Amounts received by the State  
20 Board of Education under this Section shall be deposited in the  
21 General Revenue Fund ~~School Technology Revolving Fund~~ as  
22 ~~described in Section 2-3.121~~. The statewide network may be used  
23 only for secular educational purposes.

24 (c) For purposes of this Section, a non-public school  
25 means: (i) any non-profit, non-public college; or (ii) any  
26 non-profit, non-home-based, non-public elementary or secondary  
27 school that is in compliance with Title VI of the Civil Rights  
28 Act of 1964 and attendance at which satisfies the requirements  
29 of Section 26-1 of the School Code.

30 (Source: P.A. 90-463, eff. 8-17-97; 90-566, eff. 1-2-98;  
31 90-655, eff. 7-30-98.)

32 Section 55-100. The Chicago State University Law is amended  
33 by changing Section 5-75 as follows:

34 (110 ILCS 660/5-75)

1           Sec. 5-75. Engineering facilities. The Board is authorized  
2 to construct engineering facilities with funds appropriated  
3 for that purpose from the Build Illinois Bond Fund ~~or the Build~~  
4 ~~Illinois Purposes Fund.~~

5 (Source: P.A. 89-4, eff. 1-1-96.)

6           Section 55-105. The Eastern Illinois University Law is  
7 amended by changing Section 10-75 as follows:

8           (110 ILCS 665/10-75)

9           Sec. 10-75. Engineering facilities. The Board is  
10 authorized to construct engineering facilities with funds  
11 appropriated for that purpose from the Build Illinois Bond Fund  
12 ~~or the Build Illinois Purposes Fund.~~

13 (Source: P.A. 89-4, eff. 1-1-96.)

14           Section 55-110. The Governors State University Law is  
15 amended by changing Section 15-75 as follows:

16           (110 ILCS 670/15-75)

17           Sec. 15-75. Engineering facilities. The Board is  
18 authorized to construct engineering facilities with funds  
19 appropriated for that purpose from the Build Illinois Bond Fund  
20 ~~or the Build Illinois Purposes Fund.~~

21 (Source: P.A. 89-4, eff. 1-1-96.)

22           Section 55-115. The Illinois State University Law is  
23 amended by changing Section 20-75 as follows:

24           (110 ILCS 675/20-75)

25           Sec. 20-75. Engineering facilities. The Board is  
26 authorized to construct engineering facilities with funds  
27 appropriated for that purpose from the Build Illinois Bond Fund  
28 ~~or the Build Illinois Purposes Fund.~~

29 (Source: P.A. 89-4, eff. 1-1-96.)

1 Section 55-120. The Northeastern Illinois University Law  
2 is amended by changing Section 25-75 as follows:

3 (110 ILCS 680/25-75)

4 Sec. 25-75. Engineering facilities. The Board is  
5 authorized to construct engineering facilities with funds  
6 appropriated for that purpose from the Build Illinois Bond Fund  
7 ~~or the Build Illinois Purposes Fund.~~

8 (Source: P.A. 89-4, eff. 1-1-96.)

9 Section 55-125. The Northern Illinois University Law is  
10 amended by changing Section 30-75 as follows:

11 (110 ILCS 685/30-75)

12 Sec. 30-75. Engineering facilities. The Board is  
13 authorized to construct engineering facilities with funds  
14 appropriated for that purpose from the Build Illinois Bond Fund  
15 ~~or the Build Illinois Purposes Fund.~~

16 (Source: P.A. 89-4, eff. 1-1-96.)

17 Section 55-130. The Western Illinois University Law is  
18 amended by changing Section 35-75 as follows:

19 (110 ILCS 690/35-75)

20 Sec. 35-75. Engineering facilities. The Board is  
21 authorized to construct engineering facilities with funds  
22 appropriated for that purpose from the Build Illinois Bond Fund  
23 ~~or the Build Illinois Purposes Fund.~~

24 (Source: P.A. 89-4, eff. 1-1-96.)

25 Section 55-135. The Illinois Horse Racing Act of 1975 is  
26 amended by changing Section 28 as follows:

27 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

28 Sec. 28. Except as provided in subsection (g) of Section 27  
29 of this Act, moneys collected shall be distributed according to

1 the provisions of this Section 28.

2 (a) Thirty per cent of the total of all monies received by  
3 the State as privilege taxes ~~shall be paid into the~~  
4 ~~Metropolitan Fair and Exposition Authority Reconstruction Fund~~  
5 ~~in the State treasury until such Fund contains sufficient money~~  
6 ~~to pay in full, both principal and interest, all of the~~  
7 ~~outstanding bonds issued pursuant to the Fair and Exposition~~  
8 ~~Authority Reconstruction Act, approved July 31, 1967, as~~  
9 ~~amended, and thereafter~~ shall be paid into the Metropolitan  
10 Exposition Auditorium and Office Building Fund in the State  
11 Treasury.

12 (b) In addition, 4.5% ~~Four and one-half per cent~~ of the  
13 total of all monies received by the State as privilege taxes  
14 shall be paid into the State treasury into a special Fund to be  
15 known as the Metropolitan Exposition, Auditorium, and Office  
16 Building Fund.

17 (c) Fifty per cent of the total of all monies received by  
18 the State as privilege taxes under the provisions of this Act  
19 shall be paid into the Agricultural Premium Fund.

20 (d) Seven per cent of the total of all monies received by  
21 the State as privilege taxes shall be paid into the Fair and  
22 Exposition Fund in the State treasury; provided, however, that  
23 when all bonds issued prior to July 1, 1984 by the Metropolitan  
24 Fair and Exposition Authority shall have been paid or payment  
25 shall have been provided for upon a refunding of those bonds,  
26 thereafter 1/12 of \$1,665,662 of such monies shall be paid each  
27 month into the Build Illinois Fund, and the remainder into the  
28 Fair and Exposition Fund. All excess monies shall be allocated  
29 to the Department of Agriculture for distribution to county  
30 fairs for premiums and rehabilitation as set forth in the  
31 Agricultural Fair Act.

32 (e) The monies provided for in Section 30 shall be paid  
33 into the Illinois Thoroughbred Breeders Fund.

34 (f) The monies provided for in Section 31 shall be paid  
35 into the Illinois Standardbred Breeders Fund.

36 (g) Until January 1, 2000, that part representing 1/2 of

1 the total breakage in Thoroughbred, Harness, Appaloosa,  
2 Arabian, and Quarter Horse racing in the State shall be paid  
3 into the Illinois Race Track Improvement Fund as established in  
4 Section 32.

5 (h) All other monies received by the Board under this Act  
6 shall be paid into the General Revenue Fund of the State.

7 (i) The salaries of the Board members, secretary, stewards,  
8 directors of mutuels, veterinarians, representatives,  
9 accountants, clerks, stenographers, inspectors and other  
10 employees of the Board, and all expenses of the Board incident  
11 to the administration of this Act, including, but not limited  
12 to, all expenses and salaries incident to the taking of saliva  
13 and urine samples in accordance with the rules and regulations  
14 of the Board shall be paid out of the Agricultural Premium  
15 Fund.

16 (j) The Agricultural Premium Fund shall also be used:

17 (1) for the expenses of operating the Illinois State  
18 Fair and the DuQuoin State Fair, including the payment of  
19 prize money or premiums;

20 (2) for the distribution to county fairs, vocational  
21 agriculture section fairs, agricultural societies, and  
22 agricultural extension clubs in accordance with the  
23 Agricultural Fair Act, as amended;

24 (3) for payment of prize monies and premiums awarded  
25 and for expenses incurred in connection with the  
26 International Livestock Exposition and the Mid-Continent  
27 Livestock Exposition held in Illinois, which premiums, and  
28 awards must be approved, and paid by the Illinois  
29 Department of Agriculture;

30 (4) for personal service of county agricultural  
31 advisors and county home advisors;

32 (5) for distribution to agricultural home economic  
33 extension councils in accordance with "An Act in relation  
34 to additional support and finance for the Agricultural and  
35 Home Economic Extension Councils in the several counties in  
36 this State and making an appropriation therefor", approved

1 July 24, 1967, as amended;

2 (6) for research on equine disease, including a  
3 development center therefor;

4 (7) for training scholarships for study on equine  
5 diseases to students at the University of Illinois College  
6 of Veterinary Medicine;

7 (8) for the rehabilitation, repair and maintenance of  
8 the Illinois and DuQuoin State Fair Grounds and the  
9 structures and facilities thereon and the construction of  
10 permanent improvements on such Fair Grounds, including  
11 such structures, facilities and property located on such  
12 State Fair Grounds which are under the custody and control  
13 of the Department of Agriculture;

14 (9) for the expenses of the Department of Agriculture  
15 under Section 5-530 of the Departments of State Government  
16 Law (20 ILCS 5/5-530);

17 (10) for the expenses of the Department of Commerce and  
18 Economic Opportunity ~~Community Affairs~~ under Sections  
19 605-620, 605-625, and 605-630 of the Department of Commerce  
20 and Economic Opportunity ~~Community Affairs~~ Law (20 ILCS  
21 605/605-620, 605/605-625, and 605/605-630);

22 (11) for remodeling, expanding, and reconstructing  
23 facilities destroyed by fire of any Fair and Exposition  
24 Authority in counties with a population of 1,000,000 or  
25 more inhabitants;

26 (12) for the purpose of assisting in the care and  
27 general rehabilitation of disabled veterans of any war and  
28 their surviving spouses and orphans;

29 (13) for expenses of the Department of State Police for  
30 duties performed under this Act;

31 (14) for the Department of Agriculture for soil surveys  
32 and soil and water conservation purposes;

33 (15) for the Department of Agriculture for grants to  
34 the City of Chicago for conducting the Chicagofest.

35 (k) To the extent that monies paid by the Board to the  
36 Agricultural Premium Fund are in the opinion of the Governor in

1 excess of the amount necessary for the purposes herein stated,  
2 the Governor shall notify the Comptroller and the State  
3 Treasurer of such fact, who, upon receipt of such notification,  
4 shall transfer such excess monies from the Agricultural Premium  
5 Fund to the General Revenue Fund.

6 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 92-16,  
7 eff. 6-28-01; revised 12-6-03.)

8 Section 55-140. The Illinois Public Aid Code is amended by  
9 changing Section 12-5 as follows:

10 (305 ILCS 5/12-5) (from Ch. 23, par. 12-5)

11 Sec. 12-5. Appropriations; uses; federal grants; report to  
12 General Assembly. From the sums appropriated by the General  
13 Assembly, the Illinois Department shall order for payment by  
14 warrant from the State Treasury grants for public aid under  
15 Articles III, IV, and V, including grants for funeral and  
16 burial expenses, and all costs of administration of the  
17 Illinois Department and the County Departments relating  
18 thereto. Moneys appropriated to the Illinois Department for  
19 public aid under Article VI may be used, with the consent of  
20 the Governor, to co-operate with federal, State, and local  
21 agencies in the development of work projects designed to  
22 provide suitable employment for persons receiving public aid  
23 under Article VI. The Illinois Department, with the consent of  
24 the Governor, may be the agent of the State for the receipt and  
25 disbursement of federal funds or commodities for public aid  
26 purposes under Article VI and for related purposes in which the  
27 co-operation of the Illinois Department is sought by the  
28 federal government, and, in connection therewith, may make  
29 necessary expenditures from moneys appropriated for public aid  
30 under any Article of this Code and for administration. The  
31 Illinois Department, with the consent of the Governor, may be  
32 the agent of the State for the receipt and disbursement of  
33 federal funds pursuant to the Immigration Reform and Control  
34 Act of 1986 and may make necessary expenditures from monies

1 appropriated to it for operations, administration, and grants,  
2 including payment to the Health Insurance Reserve Fund for  
3 group insurance costs at the rate certified by the Department  
4 of Central Management Services. All amounts received by the  
5 Illinois Department pursuant to the Immigration Reform and  
6 Control Act of 1986 shall be deposited in the Immigration  
7 Reform and Control Fund. All amounts received into the  
8 Immigration Reform and Control Fund as reimbursement for  
9 expenditures from the General Revenue Fund shall be transferred  
10 to the General Revenue Fund.

11 All grants received by the Illinois Department for programs  
12 funded by the Federal Social Services Block Grant shall be  
13 deposited in the Social Services Block Grant Fund. All funds  
14 received into the Social Services Block Grant Fund as  
15 reimbursement for expenditures from the General Revenue Fund  
16 shall be transferred to the General Revenue Fund. All funds  
17 received into the Social Services Block Grant fund for  
18 reimbursement for expenditure out of the Local Initiative Fund  
19 shall be transferred into the Local Initiative Fund. Any other  
20 federal funds received into the Social Services Block Grant  
21 Fund shall be transferred to the Special Purposes Trust Fund.  
22 All federal funds received by the Illinois Department as  
23 reimbursement for Employment and Training Programs for  
24 expenditures made by the Illinois Department from grants,  
25 gifts, or legacies as provided in Section 12-4.18 or made by an  
26 entity other than the Illinois Department shall be deposited  
27 into the Employment and Training Fund, except that federal  
28 funds received as reimbursement as a result of the  
29 appropriation made for the costs of providing adult education  
30 to public assistance recipients under the "Adult Education,  
31 Public Assistance Fund" shall be deposited into the General  
32 Revenue Fund; provided, however, that all funds, except those  
33 that are specified in an interagency agreement between the  
34 Illinois Community College Board and the Illinois Department,  
35 that are received by the Illinois Department as reimbursement  
36 under Title IV-A of the Social Security Act for expenditures

1 that are made by the Illinois Community College Board or any  
2 public community college of this State shall be credited to a  
3 special account that the State Treasurer shall establish and  
4 maintain within the Employment and Training Fund for the  
5 purpose of segregating the reimbursements received for  
6 expenditures made by those entities. As reimbursements are  
7 deposited into the Employment and Training Fund, the Illinois  
8 Department shall certify to the State Comptroller and State  
9 Treasurer the amount that is to be credited to the special  
10 account established within that Fund as a reimbursement for  
11 expenditures under Title IV-A of the Social Security Act made  
12 by the Illinois Community College Board or any of the public  
13 community colleges. All amounts credited to the special account  
14 established and maintained within the Employment and Training  
15 Fund as provided in this Section shall be held for transfer to  
16 the TANF Opportunities Fund as provided in subsection (d) of  
17 Section 12-10.3, and shall not be transferred to any other fund  
18 or used for any other purpose.

19 ~~Any or all federal funds received as reimbursement for food~~  
20 ~~and shelter assistance under the Emergency Food and Shelter~~  
21 ~~Program authorized by Section 12-4.5 may be deposited, with the~~  
22 ~~consent of the Governor, into the Homelessness Prevention Fund.~~

23 Eighty percent of the federal financial participation  
24 funds received by the Illinois Department under the Title IV-A  
25 Emergency Assistance program as reimbursement for expenditures  
26 made from the Illinois Department of Children and Family  
27 Services appropriations for the costs of providing services in  
28 behalf of Department of Children and Family Services clients  
29 shall be deposited into the DCFS Children's Services Fund.

30 All federal funds, except those covered by the foregoing 3  
31 paragraphs, received as reimbursement for expenditures from  
32 the General Revenue Fund shall be deposited in the General  
33 Revenue Fund for administrative and distributive expenditures  
34 properly chargeable by federal law or regulation to aid  
35 programs established under Articles III through XII and Titles  
36 IV, XVI, XIX and XX of the Federal Social Security Act. Any

1 other federal funds received by the Illinois Department under  
2 Sections 12-4.6, 12-4.18 and 12-4.19 that are required by  
3 Section 12-10 of this Code to be paid into the Special Purposes  
4 Trust Fund shall be deposited into the Special Purposes Trust  
5 Fund. Any other federal funds received by the Illinois  
6 Department pursuant to the Child Support Enforcement Program  
7 established by Title IV-D of the Social Security Act shall be  
8 deposited in the Child Support Enforcement Trust Fund as  
9 required under Section 12-10.2 of this Code. Any other federal  
10 funds received by the Illinois Department for medical  
11 assistance program expenditures made under Title XIX of the  
12 Social Security Act and Article V of this Code that are  
13 required by Section 5-4.21 of this Code to be paid into the  
14 Medicaid Developmentally Disabled Provider Participation Fee  
15 Trust Fund shall be deposited into the Medicaid Developmentally  
16 Disabled Provider Participation Fee Trust Fund. Any other  
17 federal funds received by the Illinois Department for medical  
18 assistance program expenditures made under Title XIX of the  
19 Social Security Act and Article V of this Code that are  
20 required by Section 5-4.31 of this Code to be paid into the  
21 Medicaid Long Term Care Provider Participation Fee Trust Fund  
22 shall be deposited into the Medicaid Long Term Care Provider  
23 Participation Fee Trust Fund. Any other federal funds received  
24 by the Illinois Department for hospital inpatient, hospital  
25 ambulatory care, and disproportionate share hospital  
26 expenditures made under Title XIX of the Social Security Act  
27 and Article V of this Code that are required by Section 14-2 of  
28 this Code to be paid into the Hospital Services Trust Fund  
29 shall be deposited into the Hospital Services Trust Fund. Any  
30 other federal funds received by the Illinois Department for  
31 expenditures made under Title XIX of the Social Security Act  
32 and Articles V and VI of this Code that are required by Section  
33 15-2 of this Code to be paid into the County Provider Trust  
34 Fund shall be deposited into the County Provider Trust Fund.  
35 Any other federal funds received by the Illinois Department for  
36 hospital inpatient, hospital ambulatory care, and

1 disproportionate share hospital expenditures made under Title  
2 XIX of the Social Security Act and Article V of this Code that  
3 are required by Section 5A-8 of this Code to be paid into the  
4 Hospital Provider Fund shall be deposited into the Hospital  
5 Provider Fund. Any other federal funds received by the Illinois  
6 Department for medical assistance program expenditures made  
7 under Title XIX of the Social Security Act and Article V of  
8 this Code that are required by Section 5B-8 of this Code to be  
9 paid into the Long-Term Care Provider Fund shall be deposited  
10 into the Long-Term Care Provider Fund. Any other federal funds  
11 received by the Illinois Department for medical assistance  
12 program expenditures made under Title XIX of the Social  
13 Security Act and Article V of this Code that are required by  
14 Section 5C-7 of this Code to be paid into the Developmentally  
15 Disabled Care Provider Fund shall be deposited into the  
16 Developmentally Disabled Care Provider Fund. Any other federal  
17 funds received by the Illinois Department for trauma center  
18 adjustment payments that are required by Section 5-5.03 of this  
19 Code and made under Title XIX of the Social Security Act and  
20 Article V of this Code shall be deposited into the Trauma  
21 Center Fund. Any other federal funds received by the Illinois  
22 Department as reimbursement for expenses for early  
23 intervention services paid from the Early Intervention  
24 Services Revolving Fund shall be deposited into that Fund.

25 The Illinois Department shall report to the General  
26 Assembly at the end of each fiscal quarter the amount of all  
27 funds received and paid into the Social Service Block Grant  
28 Fund and the Local Initiative Fund and the expenditures and  
29 transfers of such funds for services, programs and other  
30 purposes authorized by law. Such report shall be filed with the  
31 Speaker, Minority Leader and Clerk of the House, with the  
32 President, Minority Leader and Secretary of the Senate, with  
33 the Chairmen of the House and Senate Appropriations Committees,  
34 the House Human Resources Committee and the Senate Public  
35 Health, Welfare and Corrections Committee, or the successor  
36 standing Committees of each as provided by the rules of the

1 House and Senate, respectively, with the Legislative Research  
2 Unit and with the State Government Report Distribution Center  
3 for the General Assembly as is required under paragraph (t) of  
4 Section 7 of the State Library Act shall be deemed sufficient  
5 to comply with this Section.

6 (Source: P.A. 92-111, eff. 1-1-02; 93-632, eff. 2-1-04.)

7 Section 55-145. The Nursing Home Grant Assistance Act is  
8 amended by changing Sections 20 and 55 as follows:

9 (305 ILCS 40/20) (from Ch. 23, par. 7100-20)

10 Sec. 20. Nursing Home Grant Assistance Program Fund.

11 (a) (Blank). ~~There is created in the State Treasury the~~  
12 ~~Nursing Home Grant Assistance Fund. Interest earned on the Fund~~  
13 ~~shall be credited to the Fund.~~

14 (b) ~~The Fund is created for the purpose of receiving moneys~~  
15 ~~in accordance with Section 15, Section 30 and Section 35 of~~  
16 ~~this Act, and disbursing monies for payment of:~~

17 ~~(1) grants to eligible individuals under this Act;~~

18 ~~(2) administrative expenses incurred by the Department~~  
19 ~~in performing the activities authorized by this Act;~~

20 ~~(3) refunds to distribution agents as provided for~~  
21 ~~under this Act; and~~

22 ~~(4) transfers to the General Revenue Fund of any~~  
23 ~~amounts of Nursing Home Grant Assistance payments returned~~  
24 ~~to the Department by distribution agents.~~

25 ~~The Department shall deposit all moneys received under this~~  
26 ~~Act in the Nursing Home Grant Assistance Fund.~~

27 The Department, subject to appropriation, may use up to  
28 2.5% of the moneys received under this Act for the costs of  
29 administering and enforcing the program.

30 (c) Within 30 days after the end of the quarterly period in  
31 which the distribution agent is required to file the  
32 certification and make the payment required by this Act, and  
33 after verification with the Illinois Department of Public Aid  
34 of the licensing status of the distribution agent, the Director

1 shall order the payment to be made from appropriations made for  
2 the purposes of this Act.

3 (d) Disbursements ~~from this Fund~~ shall be by warrants drawn  
4 by the State Comptroller upon receipt of vouchers duly executed  
5 and certified by the Department. The Department shall prepare  
6 and certify to the State Comptroller the disbursement of the  
7 grants to qualified distributing agents for payment to the  
8 eligible individuals certified to the Department by the  
9 qualified distributing agents.

10 The amount to be paid per calendar quarter to a qualified  
11 distribution agent shall not exceed, for each eligible  
12 individual, \$500 multiplied by a fraction equal to the number  
13 of days that the eligible individual's nursing home care was  
14 not paid for, in whole or in part, by a federal, State, or  
15 combined federal-State medical care program, divided by the  
16 number of calendar days in the quarter. Any amount the  
17 qualified distribution agent owes to the Department under  
18 Section 30 shall be deducted from the amount of the payment to  
19 the qualified distribution agent.

20 If the amount appropriated or available ~~in the Fund~~ is  
21 insufficient to meet all or part of any quarterly payment  
22 certification, the payment certified to each qualified  
23 distributing agent shall be uniformly reduced by an amount  
24 which will permit a payment to be made to each qualified  
25 distributing agent. Within 10 days after receipt by the State  
26 Comptroller of the disbursement certification to the qualified  
27 distributing agents, the State Comptroller shall cause the  
28 warrants to be drawn for the respective amounts in accordance  
29 with the directions contained in that certification.

30 (e) Notwithstanding any other provision of this Act, as  
31 soon as is practicable after the effective date of this  
32 amendatory Act of 1994, the Department shall order that  
33 payments be made, subject to appropriation, to the appropriate  
34 distribution agents for grants to persons who were eligible  
35 individuals during the fourth quarter of fiscal year 1993 to  
36 the extent that those individuals did not receive a grant for

1 that quarter or the fourth quarter of fiscal year 1992. An  
2 eligible individual, or a person acting on behalf of an  
3 eligible individual, must apply on or before December 31, 1994  
4 for a grant under this subsection (e). The amount to be paid to  
5 each distribution agent under this subsection shall be  
6 calculated as provided in subsection (d). Distribution agents  
7 shall distribute the grants to eligible individuals as required  
8 in Section 30. For the purpose of determining grants under this  
9 subsection (e), a nursing home that is a distribution agent  
10 under this Act shall file with the Department, on or before  
11 September 30, 1994, a certification disclosing the information  
12 required under Section 15 with respect to the fourth quarter of  
13 fiscal year 1993.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 (305 ILCS 40/55)

16 Sec. 55. Supplemental Grants. For each quarter for which an  
17 eligible individual receives a Nursing Home Grant Assistance  
18 payment under this Act such eligible individual shall qualify  
19 to receive a Supplemental Nursing Home Grant Assistance  
20 payment. For each quarter for which an eligible individual  
21 qualifies to receive a Supplemental Nursing Home Grant  
22 Assistance payment the amount of a Supplemental Nursing Home  
23 Grant Assistance payment shall be equal to the difference  
24 between the Supplemental Base Amount for that quarter minus the  
25 Nursing Home Grant Assistance payment for that quarter. For  
26 each such quarter, the Supplemental Base Amount is equal to  
27 \$500 multiplied by a fraction equal to the amount of days that  
28 the eligible individual's nursing home care was not paid for,  
29 in whole or in part, by a federal, State, or combined  
30 federal-State medical care program, divided by the number of  
31 calendar days in the quarter. For each such quarter, the  
32 Nursing Home Grant Assistance payment is the amount of the  
33 grant paid and received by an eligible individual for that  
34 quarter. ~~Subject to appropriation, Supplemental Nursing Home~~  
35 ~~Grant Assistance payments shall be made from the Nursing Home~~

1 ~~Grant Assistance Fund.~~

2 (Source: P.A. 88-140.)

3 Section 55-150. The Homelessness Prevention Act is amended  
4 by changing Section 4 as follows:

5 (310 ILCS 70/4) (from Ch. 67 1/2, par. 1304)

6 Sec. 4. Homelessness Prevention and Assistance Program.

7 (a) The Department shall establish a family homelessness  
8 prevention and assistance program to stabilize families in  
9 their existing homes, to shorten the amount of time that  
10 families stay in emergency shelters, and to assist families  
11 with securing affordable transitional or permanent housing.  
12 The Department shall make grants, from funds appropriated to it  
13 ~~from the Homelessness Prevention Fund,~~ to develop and implement  
14 homelessness prevention and assistance projects under this  
15 Act.

16 (b) ~~To fund this program, there is created in the State~~  
17 ~~Treasury a fund to be known as the Homelessness Prevention~~  
18 ~~Fund. Moneys in the Fund, subject to appropriation, may be~~  
19 ~~expended for the purposes of this Act.~~ Grants may be made from  
20 funds appropriated for the purposes of this Act and from any  
21 federal funds or funds from other sources which are made  
22 available for the purposes of this Act. Grants shall be made  
23 under this Act only to the extent that funds are available.

24 (Source: P.A. 91-388, eff. 1-1-00.)

25 Section 55-155. The Environmental Protection Act is  
26 amended by changing Section 22.15 as follows:

27 (415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

28 Sec. 22.15. Solid Waste Management Fund; fees.

29 (a) There is hereby created within the State Treasury a  
30 special fund to be known as the "Solid Waste Management Fund",  
31 to be constituted from the fees collected by the State pursuant  
32 to this Section and from repayments of loans made from the Fund

1 for solid waste projects. Moneys received by the Department of  
2 Commerce and Economic Opportunity ~~Community Affairs~~ in  
3 repayment of loans made pursuant to the Illinois Solid Waste  
4 Management Act shall be deposited into the General Revenue Fund  
5 ~~Solid Waste Management Revolving Loan Fund~~.

6 (b) The Agency shall assess and collect a fee in the amount  
7 set forth herein from the owner or operator of each sanitary  
8 landfill permitted or required to be permitted by the Agency to  
9 dispose of solid waste if the sanitary landfill is located off  
10 the site where such waste was produced and if such sanitary  
11 landfill is owned, controlled, and operated by a person other  
12 than the generator of such waste. The Agency shall deposit all  
13 fees collected into the Solid Waste Management Fund. If a site  
14 is contiguous to one or more landfills owned or operated by the  
15 same person, the volumes permanently disposed of by each  
16 landfill shall be combined for purposes of determining the fee  
17 under this subsection.

18 (1) If more than 150,000 cubic yards of non-hazardous  
19 solid waste is permanently disposed of at a site in a  
20 calendar year, the owner or operator shall either pay a fee  
21 of 95 cents per cubic yard or, alternatively, the owner or  
22 operator may weigh the quantity of the solid waste  
23 permanently disposed of with a device for which  
24 certification has been obtained under the Weights and  
25 Measures Act and pay a fee of \$2.00 per ton of solid waste  
26 permanently disposed of. In no case shall the fee collected  
27 or paid by the owner or operator under this paragraph  
28 exceed \$1.55 per cubic yard or \$3.27 per ton.

29 (2) If more than 100,000 cubic yards but not more than  
30 150,000 cubic yards of non-hazardous waste is permanently  
31 disposed of at a site in a calendar year, the owner or  
32 operator shall pay a fee of \$52,630.

33 (3) If more than 50,000 cubic yards but not more than  
34 100,000 cubic yards of non-hazardous solid waste is  
35 permanently disposed of at a site in a calendar year, the  
36 owner or operator shall pay a fee of \$23,790.

1 (4) If more than 10,000 cubic yards but not more than  
2 50,000 cubic yards of non-hazardous solid waste is  
3 permanently disposed of at a site in a calendar year, the  
4 owner or operator shall pay a fee of \$7,260.

5 (5) If not more than 10,000 cubic yards of  
6 non-hazardous solid waste is permanently disposed of at a  
7 site in a calendar year, the owner or operator shall pay a  
8 fee of \$1050.

9 (c) (Blank.)

10 (d) The Agency shall establish rules relating to the  
11 collection of the fees authorized by this Section. Such rules  
12 shall include, but not be limited to:

13 (1) necessary records identifying the quantities of  
14 solid waste received or disposed;

15 (2) the form and submission of reports to accompany the  
16 payment of fees to the Agency;

17 (3) the time and manner of payment of fees to the  
18 Agency, which payments shall not be more often than  
19 quarterly; and

20 (4) procedures setting forth criteria establishing  
21 when an owner or operator may measure by weight or volume  
22 during any given quarter or other fee payment period.

23 (e) Pursuant to appropriation, all monies in the Solid  
24 Waste Management Fund shall be used by the Agency and the  
25 Department of Commerce and Economic Opportunity ~~Community~~  
26 ~~Affairs~~ for the purposes set forth in this Section and in the  
27 Illinois Solid Waste Management Act, including for the costs of  
28 fee collection and administration.

29 (f) The Agency is authorized to enter into such agreements  
30 and to promulgate such rules as are necessary to carry out its  
31 duties under this Section and the Illinois Solid Waste  
32 Management Act.

33 (g) On the first day of January, April, July, and October  
34 of each year, beginning on July 1, 1996, the State Comptroller  
35 and Treasurer shall transfer \$500,000 from the Solid Waste  
36 Management Fund to the Hazardous Waste Fund. Moneys transferred

1 under this subsection (g) shall be used only for the purposes  
2 set forth in item (1) of subsection (d) of Section 22.2.

3 (h) The Agency is authorized to provide financial  
4 assistance to units of local government for the performance of  
5 inspecting, investigating and enforcement activities pursuant  
6 to Section 4(r) at nonhazardous solid waste disposal sites.

7 (i) The Agency is authorized to support the operations of  
8 an industrial materials exchange service, and to conduct  
9 household waste collection and disposal programs.

10 (j) A unit of local government, as defined in the Local  
11 Solid Waste Disposal Act, in which a solid waste disposal  
12 facility is located may establish a fee, tax, or surcharge with  
13 regard to the permanent disposal of solid waste. All fees,  
14 taxes, and surcharges collected under this subsection shall be  
15 utilized for solid waste management purposes, including  
16 long-term monitoring and maintenance of landfills, planning,  
17 implementation, inspection, enforcement and other activities  
18 consistent with the Solid Waste Management Act and the Local  
19 Solid Waste Disposal Act, or for any other environment-related  
20 purpose, including but not limited to an environment-related  
21 public works project, but not for the construction of a new  
22 pollution control facility other than a household hazardous  
23 waste facility. However, the total fee, tax or surcharge  
24 imposed by all units of local government under this subsection  
25 (j) upon the solid waste disposal facility shall not exceed:

26 (1) 60¢ per cubic yard if more than 150,000 cubic yards  
27 of non-hazardous solid waste is permanently disposed of at  
28 the site in a calendar year, unless the owner or operator  
29 weighs the quantity of the solid waste received with a  
30 device for which certification has been obtained under the  
31 Weights and Measures Act, in which case the fee shall not  
32 exceed \$1.27 per ton of solid waste permanently disposed  
33 of.

34 (2) \$33,350 if more than 100,000 cubic yards, but not  
35 more than 150,000 cubic yards, of non-hazardous waste is  
36 permanently disposed of at the site in a calendar year.

1           (3) \$15,500 if more than 50,000 cubic yards, but not  
2 more than 100,000 cubic yards, of non-hazardous solid waste  
3 is permanently disposed of at the site in a calendar year.

4           (4) \$4,650 if more than 10,000 cubic yards, but not  
5 more than 50,000 cubic yards, of non-hazardous solid waste  
6 is permanently disposed of at the site in a calendar year.

7           (5) \$650 if not more than 10,000 cubic yards of  
8 non-hazardous solid waste is permanently disposed of at the  
9 site in a calendar year.

10          The corporate authorities of the unit of local government  
11 may use proceeds from the fee, tax, or surcharge to reimburse a  
12 highway commissioner whose road district lies wholly or  
13 partially within the corporate limits of the unit of local  
14 government for expenses incurred in the removal of  
15 nonhazardous, nonfluid municipal waste that has been dumped on  
16 public property in violation of a State law or local ordinance.

17          A county or Municipal Joint Action Agency that imposes a  
18 fee, tax, or surcharge under this subsection may use the  
19 proceeds thereof to reimburse a municipality that lies wholly  
20 or partially within its boundaries for expenses incurred in the  
21 removal of nonhazardous, nonfluid municipal waste that has been  
22 dumped on public property in violation of a State law or local  
23 ordinance.

24          If the fees are to be used to conduct a local sanitary  
25 landfill inspection or enforcement program, the unit of local  
26 government must enter into a written delegation agreement with  
27 the Agency pursuant to subsection (r) of Section 4. The unit of  
28 local government and the Agency shall enter into such a written  
29 delegation agreement within 60 days after the establishment of  
30 such fees. At least annually, the Agency shall conduct an audit  
31 of the expenditures made by units of local government from the  
32 funds granted by the Agency to the units of local government  
33 for purposes of local sanitary landfill inspection and  
34 enforcement programs, to ensure that the funds have been  
35 expended for the prescribed purposes under the grant.

36          The fees, taxes or surcharges collected under this

1 subsection (j) shall be placed by the unit of local government  
2 in a separate fund, and the interest received on the moneys in  
3 the fund shall be credited to the fund. The monies in the fund  
4 may be accumulated over a period of years to be expended in  
5 accordance with this subsection.

6 A unit of local government, as defined in the Local Solid  
7 Waste Disposal Act, shall prepare and distribute to the Agency,  
8 in April of each year, a report that details spending plans for  
9 monies collected in accordance with this subsection. The report  
10 will at a minimum include the following:

11 (1) The total monies collected pursuant to this  
12 subsection.

13 (2) The most current balance of monies collected  
14 pursuant to this subsection.

15 (3) An itemized accounting of all monies expended for  
16 the previous year pursuant to this subsection.

17 (4) An estimation of monies to be collected for the  
18 following 3 years pursuant to this subsection.

19 (5) A narrative detailing the general direction and  
20 scope of future expenditures for one, 2 and 3 years.

21 The exemptions granted under Sections 22.16 and 22.16a, and  
22 under subsections (c) and (k) of this Section, shall be  
23 applicable to any fee, tax or surcharge imposed under this  
24 subsection (j); except that the fee, tax or surcharge  
25 authorized to be imposed under this subsection (j) may be made  
26 applicable by a unit of local government to the permanent  
27 disposal of solid waste after December 31, 1986, under any  
28 contract lawfully executed before June 1, 1986 under which more  
29 than 150,000 cubic yards (or 50,000 tons) of solid waste is to  
30 be permanently disposed of, even though the waste is exempt  
31 from the fee imposed by the State under subsection (b) of this  
32 Section pursuant to an exemption granted under Section 22.16.

33 (k) In accordance with the findings and purposes of the  
34 Illinois Solid Waste Management Act, beginning January 1, 1989  
35 the fee under subsection (b) and the fee, tax or surcharge  
36 under subsection (j) shall not apply to:

- 1 (1) Waste which is hazardous waste; or
- 2 (2) Waste which is pollution control waste; or
- 3 (3) Waste from recycling, reclamation or reuse
- 4 processes which have been approved by the Agency as being
- 5 designed to remove any contaminant from wastes so as to
- 6 render such wastes reusable, provided that the process
- 7 renders at least 50% of the waste reusable; or
- 8 (4) Non-hazardous solid waste that is received at a
- 9 sanitary landfill and composted or recycled through a
- 10 process permitted by the Agency; or
- 11 (5) Any landfill which is permitted by the Agency to
- 12 receive only demolition or construction debris or
- 13 landscape waste.

14 (Source: P.A. 92-574, eff. 6-26-02; 93-32, eff. 7-1-03; revised

15 12-6-03.)

16 Section 55-160. The Illinois Solid Waste Management Act is

17 amended by changing Section 6 as follows:

18 (415 ILCS 20/6) (from Ch. 111 1/2, par. 7056)

19 Sec. 6. The Department of Commerce and Economic Opportunity

20 ~~Community Affairs~~ shall be the lead agency for implementation

21 of this Act and shall have the following powers:

22 (a) To provide technical and educational assistance for

23 applications of technologies and practices which will minimize

24 the land disposal of non-hazardous solid waste; economic

25 feasibility of implementation of solid waste management

26 alternatives; analysis of markets for recyclable materials and

27 energy products; application of the Geographic Information

28 System to provide analysis of natural resource, land use, and

29 environmental impacts; evaluation of financing and ownership

30 options; and evaluation of plans prepared by units of local

31 government pursuant to Section 22.15 of the Environmental

32 Protection Act.

33 (b) To provide technical assistance in siting pollution

34 control facilities, defined as any waste storage site, sanitary

1 landfill, waste disposal site, waste transfer station or waste  
2 incinerator.

3 (c) To provide loans or recycling and composting grants to  
4 businesses and not-for-profit and governmental organizations  
5 for the purposes of increasing the quantity of materials  
6 recycled or composted in Illinois; developing and implementing  
7 innovative recycling methods and technologies; developing and  
8 expanding markets for recyclable materials; and increasing the  
9 self-sufficiency of the recycling industry in Illinois. The  
10 Department shall work with and coordinate its activities with  
11 existing for-profit and not-for-profit collection and  
12 recycling systems to encourage orderly growth in the supply of  
13 and markets for recycled materials and to assist existing  
14 collection and recycling efforts.

15 The Department shall develop a public education program  
16 concerning the importance of both composting and recycling in  
17 order to preserve landfill space in Illinois.

18 (d) To establish guidelines and funding criteria for the  
19 solicitation of projects under this Act, and to receive and  
20 evaluate applications for loans or grants for solid waste  
21 management projects based upon such guidelines and criteria.  
22 Funds may be loaned with or without interest. ~~Loan repayments~~  
23 ~~shall be deposited into the Solid Waste Management Revolving~~  
24 ~~Loan Fund.~~

25 (e) To support and coordinate solid waste research in  
26 Illinois, and to approve the annual solid waste research agenda  
27 prepared by the University of Illinois.

28 (f) To provide loans or grants for research, development  
29 and demonstration of innovative technologies and practices,  
30 including but not limited to pilot programs for collection and  
31 disposal of household wastes.

32 (g) To promulgate such rules and regulations as are  
33 necessary to carry out the purposes of subsections (c), (d) and  
34 (f) of this Section.

35 (h) To cooperate with the Environmental Protection Agency  
36 for the purposes specified herein.

1       ~~There is hereby created the Solid Waste Management~~  
2       ~~Revolving Loan Fund, a special fund in the State Treasury,~~  
3       ~~hereinafter referred to as the "Fund".~~ The Department is  
4       authorized to accept any and all grants, repayments of interest  
5       and principal on loans, matching funds, reimbursements,  
6       appropriations, income derived from investments, or other  
7       things of value from the federal or state governments or from  
8       any institution, person, partnership, joint venture,  
9       corporation, public or private, ~~for deposit in the Fund. Any~~  
10       ~~moneys collected as a result of foreclosures of loans or other~~  
11       ~~financing agreements, or the violation of any terms thereof,~~  
12       ~~shall also be deposited in the Fund.~~

13       The Department is authorized to use moneys available for  
14       that purpose ~~deposited in the Fund~~, subject to appropriation,  
15       expressly for the purpose of implementing a ~~revolving~~ loan  
16       program according to procedures established pursuant to this  
17       Act. Those moneys ~~Moneys in the Fund~~ shall be used by the  
18       Department for the purpose of financing additional projects and  
19       for the Department's administrative expenses related thereto.

20       (Source: P.A. 88-681, eff. 12-22-94; 89-445, eff. 2-7-96;  
21       revised 12-6-03.)

22       Section 55-165. The Uranium and Thorium Mill Tailings  
23       Control Act is amended by changing Sections 15 and 40 as  
24       follows:

25             (420 ILCS 42/15)

26             Sec. 15. Storage fees.

27             (a) Beginning January 1, 1994, an annual fee shall be  
28       imposed on the owner or operator of any property that has been  
29       used in whole or in part for the milling of source material and  
30       is being used for the storage or disposal of by-product  
31       material, equal to \$2 per cubic foot of by-product material  
32       being stored or disposed of by the facility. After a facility  
33       is cleaned up in accordance with the Department's radiological  
34       soil clean-up criteria, no fee shall be due, imposed upon, or

1 collected from an owner. No fee shall be imposed upon any  
2 by-product material moved to a facility in contemplation of the  
3 subsequent removal of the by-product material pursuant to law  
4 or upon any by-product material moved to a facility in  
5 contemplation of processing the material through a physical  
6 separation facility. No fees shall be collected from any State,  
7 county, municipal, or local governmental agency. In connection  
8 with settling litigation regarding the amount of the fee to be  
9 imposed, the Director may enter into an agreement with the  
10 owner or operator of any facility specifying that the fee to be  
11 imposed shall not exceed \$26,000,000 in any calendar year. The  
12 fees assessed under this Section are separate and distinct from  
13 any license fees imposed under Section 11 of the Radiation  
14 Protection Act of 1990.

15 The fee shall be due on June 1 of each year or at such other  
16 times in such installments as the Director may provide by rule.  
17 To facilitate the expeditious removal of by-product material,  
18 rules establishing payment dates or schedules may be adopted as  
19 emergency rules under Section 5-45 of the Administrative  
20 Procedure Act. The fee shall be collected and administered by  
21 the Department, and shall be deposited into the General Revenue  
22 Fund ~~By-product Material Safety Fund, which is created as an~~  
23 ~~interest bearing special fund in the State Treasury. Amounts in~~  
24 ~~the By-product Material Safety Fund not currently required to~~  
25 ~~meet the obligations of the Fund shall be invested as provided~~  
26 ~~by law and all interest earned from investments shall be~~  
27 ~~retained in the Fund.~~

28 (b) Moneys ~~in the By-product Material Safety Fund~~ may be  
29 expended by the Department, subject to appropriation, for ~~only~~  
30 the following purposes but ~~and~~ only as the moneys relate to  
31 by-product material attributable to the owner or operator who  
32 pays the fees under subsection (a) ~~moneys into the Fund:~~

33 (1) the costs of monitoring, inspecting, and otherwise  
34 regulating the storage and disposal of by-product  
35 material, wherever located;

36 (2) the costs of undertaking any maintenance,

1 decommissioning activities, cleanup, responses to  
2 radiation emergencies, or remedial action that would  
3 otherwise be required of the owner or operator by law or  
4 under a license amendment or condition in connection with  
5 by-product materials;

6 (3) the costs that would otherwise be required of the  
7 owner or operator, by law or under a license amendment or  
8 condition, incurred by the State arising from the  
9 transportation of the by-product material from a storage or  
10 unlicensed disposal location to a licensed permanent  
11 disposal facility; and

12 (4) reimbursement to the owner or operator of any  
13 facility used for the storage or disposal of by-product  
14 material for costs incurred by the owner or operator in  
15 connection with the decontamination or decommissioning of  
16 the storage or disposal facility or other properties  
17 contaminated with by-product material. However, the amount  
18 of the reimbursements paid to the owner or operator of a  
19 by-product material storage or disposal facility shall not  
20 be reduced for any amounts recovered by the owner or  
21 operator pursuant to Title X of the federal Energy Policy  
22 Act of 1992 and shall not exceed the amount of money paid  
23 ~~into the Fund~~ by that owner or operator under subsection  
24 (a) plus the interest ~~accrued in the Fund~~ attributable to  
25 amounts paid by that owner or operator.

26 An owner or operator who incurs costs in connection with  
27 the decontamination or decommissioning of the storage or  
28 disposal facility or other properties contaminated with  
29 by-product material is entitled to have those costs promptly  
30 reimbursed ~~from the Fund~~ as provided in this Section. In the  
31 event the owner or operator has incurred reimbursable costs for  
32 which there are not adequate moneys ~~in the Fund~~ with which to  
33 provide reimbursement, the Director shall reduce the amount of  
34 any fee payable in the future imposed under this Act by the  
35 amount of the reimbursable expenses incurred by the owner or  
36 operator. An owner or operator of a facility shall submit

1 requests for reimbursement to the Director in a form reasonably  
2 required by the Director. Upon receipt of a request, the  
3 Director shall give written notice approving or disapproving  
4 each of the owner's or operator's request for reimbursement  
5 within 60 days. The Director shall approve requests for  
6 reimbursement unless the Director finds that the amount is  
7 excessive, erroneous, or otherwise inconsistent with paragraph  
8 (4) of this subsection or with any license or license  
9 amendments issued in connection with that owner's or operator's  
10 decontamination or decommissioning plan. If the Director  
11 disapproves a reimbursement request, the Director shall set  
12 forth in writing to the owner or operator the reasons for  
13 disapproval. The owner or operator may resubmit to the  
14 Department a disapproved reimbursement request with additional  
15 information as may be required. Disapproval of a reimbursement  
16 request shall constitute final action for purposes of the  
17 Administrative Review Law unless the owner or operator  
18 resubmits the denied request within 35 days. To the extent  
19 there are funds available ~~in the Fund~~, the Director shall  
20 prepare and certify to the Comptroller the disbursement of the  
21 approved sums ~~from the By-Product Material Safety Fund~~ to the  
22 owners or operators or, if there are insufficient funds  
23 available, the Director shall off-set future fees otherwise  
24 payable by the owner or operator by the amount of the approved  
25 reimbursable expenses.

26 (c) To the extent that costs identified in parts (1), (2),  
27 and (3) of subsections (b) are recovered by the Department  
28 under the Radiation Protection Act of 1990 or its rules, the  
29 Department shall not use money under this Section ~~in the~~  
30 ~~By-product Material Safety Fund~~ to cover these costs.

31 (d) (Blank). ~~The provisions directing the expenditures~~  
32 ~~from the By-product Material Safety Fund provided for in this~~  
33 ~~Section shall constitute an irrevocable and continuing~~  
34 ~~appropriation to the Department of Nuclear Safety solely for~~  
35 ~~the purposes as provided in this Section. The State Treasurer~~  
36 ~~and State Comptroller are hereby authorized and directed to pay~~

1 ~~expenditures or record in their records any offset approved by~~  
2 ~~the Director as provided in this Section.~~

3 (Source: P.A. 90-39, eff. 6-30-97.)

4 (420 ILCS 42/40)

5 Sec. 40. Violations and penalties.

6 (a) Any person who violates Section 20 shall be subject to  
7 a civil penalty not to exceed \$10,000 per day of violation.

8 (b) Any person failing to pay the fees provided for in  
9 Section 15 shall be subject to a civil penalty not to exceed 4  
10 times the amount of the fees not paid.

11 (c) Violations of this Act shall be prosecuted by the  
12 Attorney General at the request of the Department. Civil  
13 penalties under this Act are recoverable in an action brought  
14 by the Attorney General on behalf of the State in the circuit  
15 court of the county in which the facility is located. All  
16 amounts collected from fines under this Section shall be  
17 deposited in the General Revenue Fund ~~By product Material~~  
18 ~~Safety Fund~~. It shall also be the duty of the Attorney General  
19 upon the request of the Department to bring an action for an  
20 injunction against any person violating any of the provisions  
21 of this Act. The Court may assess all or a portion of the cost  
22 of actions brought under this subsection, including but not  
23 limited to attorney, expert witness, and consultant fees, to  
24 the owner or operator of the source material milling facility  
25 or to any other person responsible for the violation or  
26 contamination.

27 (Source: P.A. 87-1024.)

28 Section 55-170. The Open Space Lands Acquisition and  
29 Development Act is amended by changing Section 3 as follows:

30 (525 ILCS 35/3) (from Ch. 85, par. 2103)

31 Sec. 3. From appropriations made from the Capital  
32 Development Fund, ~~Build Illinois Purposes Fund,~~ Build Illinois  
33 Bond Fund or other available or designated funds for such

1 purposes, the Department shall make grants to local governments  
2 as financial assistance, on a reimbursement basis, for the  
3 capital development and improvement of park, recreation or  
4 conservation areas, marinas and shorelines, including planning  
5 and engineering costs, and for the acquisition of open space  
6 lands, including acquisition of easements and other property  
7 interests less than fee simple ownership if the Department  
8 determines that such property interests are sufficient to carry  
9 out the purposes of this Act, subject to the conditions and  
10 limitations set forth in this Act.

11 No more than 10% of the amount so appropriated for any  
12 fiscal year may be committed or expended on any one project  
13 described in an application under this Act.

14 Any grant under this Act to a local government shall be  
15 conditioned upon the state providing assistance on a 50/50  
16 matching basis for the acquisition of open space lands and for  
17 capital development and improvement proposals.

18 (Source: P.A. 84-1308.)

19 Section 55-175. The Illinois Vehicle Code is amended by  
20 changing Section 3-1001 as follows:

21 (625 ILCS 5/3-1001) (from Ch. 95 1/2, par. 3-1001)

22 Sec. 3-1001. A tax is hereby imposed on the privilege of  
23 using, in this State, any motor vehicle as defined in Section  
24 1-146 of this Code acquired by gift, transfer, or purchase, and  
25 having a year model designation preceding the year of  
26 application for title by 5 or fewer years prior to October 1,  
27 1985 and 10 or fewer years on and after October 1, 1985 and  
28 prior to January 1, 1988. On and after January 1, 1988, the tax  
29 shall apply to all motor vehicles without regard to model year.  
30 Except that the tax shall not apply

31 (i) if the use of the motor vehicle is otherwise taxed  
32 under the Use Tax Act;

33 (ii) if the motor vehicle is bought and used by a  
34 governmental agency or a society, association, foundation

1 or institution organized and operated exclusively for  
 2 charitable, religious or educational purposes;

3 (iii) if the use of the motor vehicle is not subject to  
 4 the Use Tax Act by reason of subsection (a), (b), (c), (d),  
 5 (e) or (f) of Section 3-55 of that Act dealing with the  
 6 prevention of actual or likely multistate taxation;

7 (iv) to implements of husbandry;

8 (v) when a junking certificate is issued pursuant to  
 9 Section 3-117(a) of this Code;

10 (vi) when a vehicle is subject to the replacement  
 11 vehicle tax imposed by Section 3-2001 of this Act;

12 (vii) when the transfer is a gift to a beneficiary in  
 13 the administration of an estate and the beneficiary is a  
 14 surviving spouse.

15 Prior to January 1, 1988, the rate of tax shall be 5% of  
 16 the selling price for each purchase of a motor vehicle covered  
 17 by Section 3-1001 of this Code. Except as hereinafter provided,  
 18 beginning January 1, 1988, the rate of tax shall be as follows  
 19 for transactions in which the selling price of the motor  
 20 vehicle is less than \$15,000:

21 Number of Years Transpired After	Applicable Tax
22 Model Year of Motor Vehicle	
23 1 or less	\$390
24 2	290
25 3	215
26 4	165
27 5	115
28 6	90
29 7	80
30 8	65
31 9	50
32 10	40
33 over 10	25

34 Except as hereinafter provided, beginning January 1, 1988, the  
 35 rate of tax shall be as follows for transactions in which the  
 36 selling price of the motor vehicle is \$15,000 or more:

1	Selling Price	Applicable Tax
2	\$15,000 - \$19,999	\$ 750
3	\$20,000 - \$24,999	\$1,000
4	\$25,000 - \$29,999	\$1,250
5	\$30,000 and over	\$1,500

6 For the following transactions, the tax rate shall be \$15 for  
7 each motor vehicle acquired in such transaction:

8 (i) when the transferee or purchaser is the spouse,  
9 mother, father, brother, sister or child of the transferor;

10 (ii) when the transfer is a gift to a beneficiary in  
11 the administration of an estate and the beneficiary is not  
12 a surviving spouse;

13 (iii) when a motor vehicle which has once been  
14 subjected to the Illinois retailers' occupation tax or use  
15 tax is transferred in connection with the organization,  
16 reorganization, dissolution or partial liquidation of an  
17 incorporated or unincorporated business wherein the  
18 beneficial ownership is not changed.

19 A claim that the transaction is taxable under subparagraph  
20 (i) shall be supported by such proof of family relationship as  
21 provided by rules of the Department.

22 For a transaction in which a motorcycle, motor driven cycle  
23 or motorized pedalcycle is acquired the tax rate shall be \$25.

24 On and after October 1, 1985, 1/12 of \$5,000,000 of the  
25 moneys received by the Department of Revenue pursuant to this  
26 Section shall be paid each month into the Build Illinois Fund  
27 and the remainder into the General Revenue Fund.

28 ~~At the end of any fiscal year in which the moneys received~~  
29 ~~by the Department of Revenue pursuant to this Section exceeds~~  
30 ~~the Annual Specified Amount, as defined in Section 3 of the~~  
31 ~~Retailers' Occupation Tax Act, the State Comptroller shall~~  
32 ~~direct the State Treasurer to transfer such excess amount from~~  
33 ~~the General Revenue Fund to the Build Illinois Purposes Fund.~~

34 The tax imposed by this Section shall be abated and no  
35 longer imposed when the amount deposited to secure the bonds  
36 issued pursuant to the Build Illinois Bond Act is sufficient to

1 provide for the payment of the principal of, and interest and  
2 premium, if any, on the bonds, as certified to the State  
3 Comptroller and the Director of Revenue by the Director of the  
4 Governor's Office of Management and Budget ~~Bureau of the~~  
5 ~~Budget~~.

6 (Source: P.A. 90-89, eff. 1-1-98; revised 10-15-03.)

7 (20 ILCS 700/4005 rep.)

8 Section 55-180. The Technology Advancement and Development  
9 Act is amended by repealing Section 4005.

10 (20 ILCS 1705/18.1 rep.)

11 Section 55-185. The Mental Health and Developmental  
12 Disabilities Administrative Act is amended by repealing  
13 Section 18.1.

14 (20 ILCS 3501/825-15 rep.)

15 Section 55-190. The Illinois Finance Authority Act is  
16 amended by repealing Section 825-15.

17 (20 ILCS 3921/25 rep.)

18 Section 55-200. The Illinois Century Network Act is amended  
19 by repealing Section 25.

20 (30 ILCS 105/5.33 rep.)

21 (30 ILCS 105/5.110 rep.)

22 (30 ILCS 105/5.161 rep.)

23 (30 ILCS 105/5.219 rep.)

24 (30 ILCS 105/5.222 rep.)

25 (30 ILCS 105/5.225 rep.)

26 (30 ILCS 105/5.265 rep.)

27 (30 ILCS 105/5.272 rep.)

28 (30 ILCS 105/5.303 rep.)

29 (30 ILCS 105/5.319 rep.)

30 (30 ILCS 105/5.341 rep.)

31 (30 ILCS 105/5.373 rep.)

1 (30 ILCS 105/5.444 rep.)

2 (30 ILCS 105/5.469 rep.)

3 (30 ILCS 105/5.494 rep.)

4 (30 ILCS 105/5.513 rep.)

5 (30 ILCS 105/5.517 rep.)

6 (30 ILCS 105/5.570 rep., from P.A. 92-691)

7 (30 ILCS 105/8.29 rep.)

8 Section 55-205. The State Finance Act is amended by  
9 repealing Sections 5.33, 5.110, 5.161, 5.219, 5.222, 5.225,  
10 5.265, 5.272, 5.303, 5.319, 5.341, 5.373, 5.444, 5.469, 5.494,  
11 5.513, 5.517, 5.570 (as added by Public Act 92-691), and 8.29.

12 (105 ILCS 5/2-3.121 rep.)

13 Section 55-210. The School Code is amended by repealing  
14 Section 2-3.121.

15 (110 ILCS 947/72 rep.)

16 Section 55-215. The Higher Education Student Assistance  
17 Act is amended by repealing Section 72.

18 ARTICLE 65

19 Section 65-5. The State Finance Act is amended by changing  
20 Section 8.12 as follows:

21 (30 ILCS 105/8.12) (from Ch. 127, par. 144.12)

22 Sec. 8.12. State Pensions Fund.

23 (a) The moneys in the State Pensions Fund shall be used  
24 exclusively for the administration of the Uniform Disposition  
25 of Unclaimed Property Act and for the payment of or repayment  
26 to the General Revenue Fund a portion of the required State  
27 contributions to the designated retirement systems.

28 "Designated retirement systems" means:

29 (1) the State Employees' Retirement System of  
30 Illinois;

31 (2) the Teachers' Retirement System of the State of

1 Illinois;

2 (3) the State Universities Retirement System;

3 (4) the Judges Retirement System of Illinois; and

4 (5) the General Assembly Retirement System.

5 (b) Each year the General Assembly may make appropriations  
6 from the State Pensions Fund for the administration of the  
7 Uniform Disposition of Unclaimed Property Act.

8 Each month, the Commissioner of the Office of Banks and  
9 Real Estate shall certify to the State Treasurer the actual  
10 expenditures that the Office of Banks and Real Estate incurred  
11 conducting unclaimed property examinations under the Uniform  
12 Disposition of Unclaimed Property Act during the immediately  
13 preceding month. Within a reasonable time following the  
14 acceptance of such certification by the State Treasurer, the  
15 State Treasurer shall pay from its appropriation from the State  
16 Pensions Fund to the Bank and Trust Company Fund and the  
17 Savings and Residential Finance Regulatory Fund an amount equal  
18 to the expenditures incurred by each Fund for that month.

19 Each month, the Director of Financial Institutions shall  
20 certify to the State Treasurer the actual expenditures that the  
21 Department of Financial Institutions incurred conducting  
22 unclaimed property examinations under the Uniform Disposition  
23 of Unclaimed Property Act during the immediately preceding  
24 month. Within a reasonable time following the acceptance of  
25 such certification by the State Treasurer, the State Treasurer  
26 shall pay from its appropriation from the State Pensions Fund  
27 to the Financial Institutions Fund and the Credit Union Fund an  
28 amount equal to the expenditures incurred by each Fund for that  
29 month.

30 (c) As soon as possible after the effective date of this  
31 amendatory Act of the 93rd General Assembly, the General  
32 Assembly shall appropriate from the State Pensions Fund (1) to  
33 the State Universities Retirement System the amount certified  
34 under Section 15-165 during the prior year, (2) to the Judges  
35 Retirement System of Illinois the amount certified under  
36 Section 18-140 during the prior year, and (3) to the General

1 Assembly Retirement System the amount certified under Section  
2 2-134 during the prior year as part of the required State  
3 contributions to each of those designated retirement systems;  
4 except that amounts appropriated under this subsection (c) in  
5 State fiscal year 2005 shall not reduce the amount in the State  
6 Pensions Fund below \$5,000,000. If the amount in the State  
7 Pensions Fund does not exceed the sum of the amounts certified  
8 in Sections 15-165, 18-140, and 2-134 by at least \$5,000,000,  
9 the amount paid to each designated retirement system under this  
10 subsection shall be reduced in proportion to the amount  
11 certified by each of those designated retirement systems. ~~For~~  
12 ~~each State fiscal year beginning with State fiscal year 2006,~~  
13 ~~the General Assembly shall appropriate a total amount equal to~~  
14 ~~the balance in the State Pensions Fund at the close of business~~  
15 ~~on June 30 of the preceding fiscal year, less \$5,000,000, as~~  
16 ~~part of the required State contributions to the designated~~  
17 ~~retirement systems. The amount of the appropriation to~~  
18 ~~designated retirement systems shall constitute a portion of the~~  
19 ~~total appropriation under this subsection for that fiscal year~~  
20 ~~which is the same as that retirement system's portion of the~~  
21 ~~total actuarial reserve deficiency of the systems, as most~~  
22 ~~recently determined by the Governor's Office of Management and~~  
23 ~~Budget.~~

24 (c-5) For fiscal year 2006 and thereafter, the General  
25 Assembly shall appropriate from the State Pensions Fund to the  
26 State Universities Retirement System the amount estimated to be  
27 available during the fiscal year in the State Pensions Fund;  
28 provided, however, that the amounts appropriated under this  
29 subsection (c-5) shall not reduce the amount in the State  
30 Pensions Fund below \$5,000,000.

31 (d) The Governor's Office of Management and Budget shall  
32 determine the individual and total reserve deficiencies of the  
33 designated retirement systems. For this purpose, the  
34 Governor's Office of Management and Budget shall utilize the  
35 latest available audit and actuarial reports of each of the  
36 retirement systems and the relevant reports and statistics of

1 the Public Employee Pension Fund Division of the Department of  
2 Insurance.

3 (d-1) As soon as practicable after the effective date of  
4 this amendatory Act of the 93rd General Assembly, the  
5 Comptroller shall direct and the Treasurer shall transfer from  
6 the State Pensions Fund to the General Revenue Fund, as funds  
7 become available, a sum equal to the amounts that would have  
8 been paid from the State Pensions Fund to the Teachers'  
9 Retirement System of the State of Illinois, the State  
10 Universities Retirement System, the Judges Retirement System  
11 of Illinois, the General Assembly Retirement System, and the  
12 State Employees' Retirement System of Illinois after the  
13 effective date of this amendatory Act during the remainder of  
14 fiscal year 2004 to the designated retirement systems from the  
15 appropriations provided for in this Section if the transfers  
16 provided in Section 6z-61 had not occurred. The transfers  
17 described in this subsection (d-1) are to partially repay the  
18 General Revenue Fund for the costs associated with the bonds  
19 used to fund the moneys transferred to the designated  
20 retirement systems under Section 6z-61.

21 (e) The changes to this Section made by this amendatory Act  
22 of 1994 shall first apply to distributions from the Fund for  
23 State fiscal year 1996.

24 (Source: P.A. 93-665, eff. 3-5-04; 93-839, eff. 7-30-04.)

25 ARTICLE 70

26 Section 70-5. The Pretrial Services Act is amended by  
27 changing Section 33 as follows:

28 (725 ILCS 185/33) (from Ch. 38, par. 333)

29 Sec. 33. The Supreme Court shall pay from funds  
30 appropriated to it for this purpose 100% of all approved costs  
31 for pretrial services, including pretrial services officers,  
32 necessary support personnel, travel costs reasonably related  
33 to the delivery of pretrial services, space costs, equipment,

1 telecommunications, postage, commodities, printing and  
2 contractual services. Costs shall be reimbursed monthly, based  
3 on a plan and budget approved by the Supreme Court. No  
4 department may be reimbursed for costs which exceed or are not  
5 provided for in the approved plan and budget. For State fiscal  
6 years 2004, ~~and~~ 2005, and 2006 only, the Mandatory Arbitration  
7 Fund may be used to reimburse approved costs for pretrial  
8 services.

9 (Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04.)

10 Section 70-10. The Probation and Probation Officers Act is  
11 amended by changing Section 15.1 as follows:

12 (730 ILCS 110/15) (from Ch. 38, par. 204-7)

13 Sec. 15. (1) The Supreme Court of Illinois may establish a  
14 Division of Probation Services whose purpose shall be the  
15 development, establishment, promulgation, and enforcement of  
16 uniform standards for probation services in this State, and to  
17 otherwise carry out the intent of this Act. The Division may:

18 (a) establish qualifications for chief probation  
19 officers and other probation and court services personnel  
20 as to hiring, promotion, and training.

21 (b) make available, on a timely basis, lists of those  
22 applicants whose qualifications meet the regulations  
23 referred to herein, including on said lists all candidates  
24 found qualified.

25 (c) establish a means of verifying the conditions for  
26 reimbursement under this Act and develop criteria for  
27 approved costs for reimbursement.

28 (d) develop standards and approve employee  
29 compensation schedules for probation and court services  
30 departments.

31 (e) employ sufficient personnel in the Division to  
32 carry out the functions of the Division.

33 (f) establish a system of training and establish  
34 standards for personnel orientation and training.

1 (g) develop standards for a system of record keeping  
2 for cases and programs, gather statistics, establish a  
3 system of uniform forms, and develop research for planning  
4 of Probation Services.

5 (h) develop standards to assure adequate support  
6 personnel, office space, equipment and supplies, travel  
7 expenses, and other essential items necessary for  
8 Probation and Court Services Departments to carry out their  
9 duties.

10 (i) review and approve annual plans submitted by  
11 Probation and Court Services Departments.

12 (j) monitor and evaluate all programs operated by  
13 Probation and Court Services Departments, and may include  
14 in the program evaluation criteria such factors as the  
15 percentage of Probation sentences for felons convicted of  
16 Probationable offenses.

17 (k) seek the cooperation of local and State government  
18 and private agencies to improve the quality of probation  
19 and court services.

20 (l) where appropriate, establish programs and  
21 corresponding standards designed to generally improve the  
22 quality of probation and court services and reduce the rate  
23 of adult or juvenile offenders committed to the Department  
24 of Corrections.

25 (m) establish such other standards and regulations and  
26 do all acts necessary to carry out the intent and purposes  
27 of this Act.

28 The Division shall establish a model list of structured  
29 intermediate sanctions that may be imposed by a probation  
30 agency for violations of terms and conditions of a sentence of  
31 probation, conditional discharge, or supervision.

32 The State of Illinois shall provide for the costs of  
33 personnel, travel, equipment, telecommunications, postage,  
34 commodities, printing, space, contractual services and other  
35 related costs necessary to carry out the intent of this Act.

36 (2) (a) The chief judge of each circuit shall provide

1 full-time probation services for all counties within the  
2 circuit, in a manner consistent with the annual probation plan,  
3 the standards, policies, and regulations established by the  
4 Supreme Court. A probation district of two or more counties  
5 within a circuit may be created for the purposes of providing  
6 full-time probation services. Every county or group of counties  
7 within a circuit shall maintain a probation department which  
8 shall be under the authority of the Chief Judge of the circuit  
9 or some other judge designated by the Chief Judge. The Chief  
10 Judge, through the Probation and Court Services Department  
11 shall submit annual plans to the Division for probation and  
12 related services.

13 (b) The Chief Judge of each circuit shall appoint the Chief  
14 Probation Officer and all other probation officers for his or  
15 her circuit from lists of qualified applicants supplied by the  
16 Supreme Court. Candidates for chief managing officer and other  
17 probation officer positions must apply with both the Chief  
18 Judge of the circuit and the Supreme Court.

19 (3) A Probation and Court Service Department shall apply to  
20 the Supreme Court for funds for basic services, and may apply  
21 for funds for new and expanded programs or Individualized  
22 Services and Programs. Costs shall be reimbursed monthly based  
23 on a plan and budget approved by the Supreme Court. No  
24 Department may be reimbursed for costs which exceed or are not  
25 provided for in the approved annual plan and budget. After the  
26 effective date of this amendatory Act of 1985, each county must  
27 provide basic services in accordance with the annual plan and  
28 standards created by the division. No department may receive  
29 funds for new or expanded programs or individualized services  
30 and programs unless they are in compliance with standards as  
31 enumerated in paragraph (h) of subsection (1) of this Section,  
32 the annual plan, and standards for basic services.

33 (4) The Division shall reimburse the county or counties for  
34 probation services as follows:

35 (a) 100% of the salary of all chief managing officers  
36 designated as such by the Chief Judge and the division.

1 (b) 100% of the salary for all probation officer and  
2 supervisor positions approved for reimbursement by the  
3 division after April 1, 1984, to meet workload standards  
4 and to implement intensive sanction and probation  
5 supervision programs and other basic services as defined in  
6 this Act.

7 (c) 100% of the salary for all secure detention  
8 personnel and non-secure group home personnel approved for  
9 reimbursement after December 1, 1990. For all such  
10 positions approved for reimbursement before December 1,  
11 1990, the counties shall be reimbursed \$1,250 per month  
12 beginning July 1, 1995, and an additional \$250 per month  
13 beginning each July 1st thereafter until the positions  
14 receive 100% salary reimbursement. Allocation of such  
15 positions will be based on comparative need considering  
16 capacity, staff/resident ratio, physical plant and  
17 program.

18 (d) \$1,000 per month for salaries for the remaining  
19 probation officer positions engaged in basic services and  
20 new or expanded services. All such positions shall be  
21 approved by the division in accordance with this Act and  
22 division standards.

23 (e) 100% of the travel expenses in accordance with  
24 Division standards for all Probation positions approved  
25 under paragraph (b) of subsection 4 of this Section.

26 (f) If the amount of funds reimbursed to the county  
27 under paragraphs (a) through (e) of subsection 4 of this  
28 Section on an annual basis is less than the amount the  
29 county had received during the 12 month period immediately  
30 prior to the effective date of this amendatory Act of 1985,  
31 then the Division shall reimburse the amount of the  
32 difference to the county. The effect of paragraph (b) of  
33 subsection 7 of this Section shall be considered in  
34 implementing this supplemental reimbursement provision.

35 (5) The Division shall provide funds beginning on April 1,  
36 1987 for the counties to provide Individualized Services and

1 Programs as provided in Section 16 of this Act.

2 (6) A Probation and Court Services Department in order to  
3 be eligible for the reimbursement must submit to the Supreme  
4 Court an application containing such information and in such a  
5 form and by such dates as the Supreme Court may require.  
6 Departments to be eligible for funding must satisfy the  
7 following conditions:

8 (a) The Department shall have on file with the Supreme  
9 Court an annual Probation plan for continuing, improved,  
10 and new Probation and Court Services Programs approved by  
11 the Supreme Court or its designee. This plan shall indicate  
12 the manner in which Probation and Court Services will be  
13 delivered and improved, consistent with the minimum  
14 standards and regulations for Probation and Court  
15 Services, as established by the Supreme Court. In counties  
16 with more than one Probation and Court Services Department  
17 eligible to receive funds, all Departments within that  
18 county must submit plans which are approved by the Supreme  
19 Court.

20 (b) The annual probation plan shall seek to generally  
21 improve the quality of probation services and to reduce the  
22 commitment of adult and juvenile offenders to the  
23 Department of Corrections and shall require, when  
24 appropriate, coordination with the Department of  
25 Corrections and the Department of Children and Family  
26 Services in the development and use of community resources,  
27 information systems, case review and permanency planning  
28 systems to avoid the duplication of services.

29 (c) The Department shall be in compliance with  
30 standards developed by the Supreme Court for basic, new and  
31 expanded services, training, personnel hiring and  
32 promotion.

33 (d) The Department shall in its annual plan indicate  
34 the manner in which it will support the rights of crime  
35 victims and in which manner it will implement Article I,  
36 Section 8.1 of the Illinois Constitution and in what manner

1           it will coordinate crime victims' support services with  
2           other criminal justice agencies within its jurisdiction,  
3           including but not limited to, the State's Attorney, the  
4           Sheriff and any municipal police department.

5           (7) No statement shall be verified by the Supreme Court or  
6           its designee or vouchered by the Comptroller unless each of the  
7           following conditions have been met:

8           (a) The probation officer is a full-time employee  
9           appointed by the Chief Judge to provide probation services.

10          (b) The probation officer, in order to be eligible for  
11          State reimbursement, is receiving a salary of at least  
12          \$17,000 per year.

13          (c) The probation officer is appointed or was  
14          reappointed in accordance with minimum qualifications or  
15          criteria established by the Supreme Court; however, all  
16          probation officers appointed prior to January 1, 1978,  
17          shall be exempted from the minimum requirements  
18          established by the Supreme Court. Payments shall be made to  
19          counties employing these exempted probation officers as  
20          long as they are employed in the position held on the  
21          effective date of this amendatory Act of 1985. Promotions  
22          shall be governed by minimum qualifications established by  
23          the Supreme Court.

24          (d) The Department has an established compensation  
25          schedule approved by the Supreme Court. The compensation  
26          schedule shall include salary ranges with necessary  
27          increments to compensate each employee. The increments  
28          shall, within the salary ranges, be based on such factors  
29          as bona fide occupational qualifications, performance, and  
30          length of service. Each position in the Department shall be  
31          placed on the compensation schedule according to job duties  
32          and responsibilities of such position. The policy and  
33          procedures of the compensation schedule shall be made  
34          available to each employee.

35          (8) In order to obtain full reimbursement of all approved  
36          costs, each Department must continue to employ at least the

1 same number of probation officers and probation managers as  
2 were authorized for employment for the fiscal year which  
3 includes January 1, 1985. This number shall be designated as  
4 the base amount of the Department. No positions approved by the  
5 Division under paragraph (b) of subsection 4 will be included  
6 in the base amount. In the event that the Department employs  
7 fewer Probation officers and Probation managers than the base  
8 amount for a period of 90 days, funding received by the  
9 Department under subsection 4 of this Section may be reduced on  
10 a monthly basis by the amount of the current salaries of any  
11 positions below the base amount.

12 (9) Before the 15th day of each month, the treasurer of any  
13 county which has a Probation and Court Services Department, or  
14 the treasurer of the most populous county, in the case of a  
15 Probation or Court Services Department funded by more than one  
16 county, shall submit an itemized statement of all approved  
17 costs incurred in the delivery of Basic Probation and Court  
18 Services under this Act to the Supreme Court. The treasurer may  
19 also submit an itemized statement of all approved costs  
20 incurred in the delivery of new and expanded Probation and  
21 Court Services as well as Individualized Services and Programs.  
22 The Supreme Court or its designee shall verify compliance with  
23 this Section and shall examine and audit the monthly statement  
24 and, upon finding them to be correct, shall forward them to the  
25 Comptroller for payment to the county treasurer. In the case of  
26 payment to a treasurer of a county which is the most populous  
27 of counties sharing the salary and expenses of a Probation and  
28 Court Services Department, the treasurer shall divide the money  
29 between the counties in a manner that reflects each county's  
30 share of the cost incurred by the Department.

31 (10) The county treasurer must certify that funds received  
32 under this Section shall be used solely to maintain and improve  
33 Probation and Court Services. The county or circuit shall  
34 remain in compliance with all standards, policies and  
35 regulations established by the Supreme Court. If at any time  
36 the Supreme Court determines that a county or circuit is not in

1 compliance, the Supreme Court shall immediately notify the  
2 Chief Judge, county board chairman and the Director of Court  
3 Services Chief Probation Officer. If after 90 days of written  
4 notice the noncompliance still exists, the Supreme Court shall  
5 be required to reduce the amount of monthly reimbursement by  
6 10%. An additional 10% reduction of monthly reimbursement shall  
7 occur for each consecutive month of noncompliance. Except as  
8 provided in subsection 5 of Section 15, funding to counties  
9 shall commence on April 1, 1986. Funds received under this Act  
10 shall be used to provide for Probation Department expenses  
11 including those required under Section 13 of this Act. For  
12 State fiscal years 2004, ~~and 2005,~~ and 2006 only, the Mandatory  
13 Arbitration Fund may be used to provide for Probation  
14 Department expenses, including those required under Section 13  
15 of this Act.

16 (11) The respective counties shall be responsible for  
17 capital and space costs, fringe benefits, clerical costs,  
18 equipment, telecommunications, postage, commodities and  
19 printing.

20 (12) For purposes of this Act only, probation officers  
21 shall be considered peace officers. In the exercise of their  
22 official duties, probation officers, sheriffs, and police  
23 officers may, anywhere within the State, arrest any probationer  
24 who is in violation of any of the conditions of his or her  
25 probation, conditional discharge, or supervision, and it shall  
26 be the duty of the officer making the arrest to take the  
27 probationer before the Court having jurisdiction over the  
28 probationer for further order.

29 (Source: P.A. 93-25, eff. 6-20-03; 93-576, eff. 1-1-04; 93-839,  
30 eff. 7-30-04.)

31 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

32 Sec. 15.1. Probation and Court Services Fund.

33 (a) The county treasurer in each county shall establish a  
34 probation and court services fund consisting of fees collected  
35 pursuant to subsection (i) of Section 5-6-3 and subsection (i)

1 of Section 5-6-3.1 of the Unified Code of Corrections,  
2 subsection (10) of Section 5-615 and subsection (5) of Section  
3 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of  
4 subsection (b) of Section 110-10 of the Code of Criminal  
5 Procedure of 1963. The county treasurer shall disburse monies  
6 from the fund only at the direction of the chief judge of the  
7 circuit court in such circuit where the county is located. The  
8 county treasurer of each county shall, on or before January 10  
9 of each year, submit an annual report to the Supreme Court.

10 (b) Monies in the probation and court services fund shall  
11 be appropriated by the county board to be used within the  
12 county or jurisdiction where collected in accordance with  
13 policies and guidelines approved by the Supreme Court for the  
14 costs of operating the probation and court services department  
15 or departments; however, except as provided in subparagraph  
16 (g), monies in the probation and court services fund shall not  
17 be used for the payment of salaries of probation and court  
18 services personnel.

19 (c) Monies expended from the probation and court services  
20 fund shall be used to supplement, not supplant, county  
21 appropriations for probation and court services.

22 (d) Interest earned on monies deposited in a probation and  
23 court services fund may be used by the county for its ordinary  
24 and contingent expenditures.

25 (e) The county board may appropriate moneys from the  
26 probation and court services fund, upon the direction of the  
27 chief judge, to support programs that are part of the continuum  
28 of juvenile delinquency intervention programs which are or may  
29 be developed within the county. The grants from the probation  
30 and court services fund shall be for no more than one year and  
31 may be used for any expenses attributable to the program  
32 including administration and oversight of the program by the  
33 probation department.

34 (f) The county board may appropriate moneys from the  
35 probation and court services fund, upon the direction of the  
36 chief judge, to support practices endorsed or required under

1 the Sex Offender Management Board Act, including but not  
2 limited to sex offender evaluation, treatment, and monitoring  
3 programs that are or may be developed within the county.

4 (g) For the State Fiscal Years ~~Year~~ 2005 and 2006 only, the  
5 Administrative Office of the Illinois Courts may permit a  
6 county or circuit to use its probation and court services fund  
7 for the payment of salaries of probation officers and other  
8 court services personnel whose salaries are reimbursed under  
9 this Act if the State's FY2005 or FY2006 appropriation to the  
10 Supreme Court for reimbursement to counties for probation  
11 salaries and services is less than the amount appropriated to  
12 the Supreme Court for these purposes for State Fiscal Year  
13 2004. The Administrative Office of the Illinois Courts shall  
14 take into account each county's or circuit's probation fee  
15 collections and expenditures ~~any annual surplus or deficit that~~  
16 ~~any county or circuit has in its probation and court services~~  
17 ~~fund and any amounts already obligated from such fund~~ when  
18 apportioning the total reimbursement for each county or  
19 circuit.

20 (Source: P.A. 92-329, eff. 8-9-01; 93-616, eff. 1-1-04; 93-839,  
21 eff. 7-30-04.)

22 Section 70-15. The Code of Civil Procedure is amended by  
23 changing Section 2-1009A as follows:

24 (735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)

25 Sec. 2-1009A. Filing Fees. In each county authorized by the  
26 Supreme Court to utilize mandatory arbitration, the clerk of  
27 the circuit court shall charge and collect, in addition to any  
28 other fees, an arbitration fee of \$8, except in counties with  
29 3,000,000 or more inhabitants the fee shall be \$10, at the time  
30 of filing the first pleading, paper or other appearance filed  
31 by each party in all civil cases, but no additional fee shall  
32 be required if more than one party is represented in a single  
33 pleading, paper or other appearance. Arbitration fees received  
34 by the clerk of the circuit court pursuant to this Section

1 shall be remitted within one month after receipt to the State  
 2 Treasurer for deposit into the Mandatory Arbitration Fund, a  
 3 special fund in the State treasury for the purpose of funding  
 4 mandatory arbitration programs and such other alternative  
 5 dispute resolution programs as may be authorized by circuit  
 6 court rule for operation in counties that have implemented  
 7 mandatory arbitration, with a separate account being  
 8 maintained for each county. Notwithstanding any other  
 9 provision of this Section to the contrary, and for State fiscal  
 10 years 2004, ~~and 2005,~~ and 2006 only, the Mandatory Arbitration  
 11 Fund may be used for any other purpose authorized by the  
 12 Supreme Court.

13 (Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04.)

14 ARTICLE 80

15 Section 80-5. The State Finance Act is amended by adding  
 16 Section 8.44 as follows:

17 (30 ILCS 105/8.44 new)

18 Sec. 8.44. Special fund transfers.

19 (a) In order to maintain the integrity of special funds and  
 20 improve stability in the General Revenue Fund, the following  
 21 transfers are authorized from the designated funds into the  
 22 General Revenue Fund:

23	<u>Aeronautics Fund .....</u>	<u>\$2,186</u>
24	<u>Aggregate Operations Regulatory Fund .....</u>	<u>\$32,750</u>
25	<u>Agrichemical Incident Response Trust Fund.....</u>	<u>\$419,830</u>
26	<u>Agricultural Master Fund .....</u>	<u>\$17,827</u>
27	<u>Air Transportation Revolving Fund.....</u>	<u>\$181,478</u>
28	<u>Airport Land Loan Revolving Fund .....</u>	<u>\$1,669,970</u>
29	<u>Alternate Fuels Fund .....</u>	<u>\$1,056,833</u>
30	<u>Alternative Compliance Market Account Fund .....</u>	<u>\$53,120</u>
31	<u>Appraisal Administration Fund.....</u>	<u>\$250,000</u>
32	<u>Armory Rental Fund .....</u>	<u>\$111,538</u>
33	<u>Assisted Living and Shared Housing Regulatory Fund ..</u>	<u>\$24,493</u>

1	<u>Bank and Trust Company Fund</u> .....	<u>\$3,800,000</u>
2	<u>Capital Development Board Revolving Fund</u> .....	<u>\$453,054</u>
3	<u>Care Provider Fund for Persons</u>	
4	<u>with a Developmental Disability</u> .....	<u>\$2,378,270</u>
5	<u>Charter Schools Revolving Loan Fund</u> .....	<u>\$650,721</u>
6	<u>Child Support Administrative Fund</u> .....	<u>\$1,117,266</u>
7	<u>Coal Mining Regulatory Fund</u> .....	<u>\$127,583</u>
8	<u>Communications Revolving Fund</u> .....	<u>\$12,999,839</u>
9	<u>Community Health Center Care Fund</u> .....	<u>\$104,480</u>
10	<u>Community Water Supply Laboratory Fund</u> .....	<u>\$716,232</u>
11	<u>Continuing Legal Education Trust Fund</u> .....	<u>\$23,419</u>
12	<u>Corporate Franchise Tax Refund Fund</u> .....	<u>\$500,000</u>
13	<u>Court of Claims Administration and Grant Fund</u> .....	<u>\$24,949</u>
14	<u>Criminal Justice Information Projects Fund</u> .....	<u>\$18,212</u>
15	<u>DCFS Special Purposes Trust Fund</u> .....	<u>\$77,835</u>
16	<u>Death Certificate Surcharge Fund</u> .....	<u>\$1,134,341</u>
17	<u>Department of Business Services</u>	
18	<u>Special Operations Fund</u> .....	<u>\$2,000,000</u>
19	<u>Department of Children and Family Services</u>	
20	<u>Training Fund</u> .....	<u>\$1,408,106</u>
21	<u>Department of Corrections</u>	
22	<u>Reimbursement and Education Fund</u> .....	<u>\$2,208,323</u>
23	<u>Department of Insurance State Trust Fund</u> .....	<u>\$18,009</u>
24	<u>Department of Labor Special State Trust Fund</u> .....	<u>\$359,895</u>
25	<u>Department on Aging State Projects Fund</u> .....	<u>\$10,059</u>
26	<u>Design Professionals Administration</u>	
27	<u>and Investigation Fund</u> .....	<u>\$51,701</u>
28	<u>DHS Recoveries Trust Fund</u> .....	<u>\$1,591,834</u>
29	<u>DHS State Projects Fund</u> .....	<u>\$89,917</u>
30	<u>Division of Corporations</u>	
31	<u>Registered Limited Liability Partnership Fund</u> .....	<u>\$150,000</u>
32	<u>DNR Special Projects Fund</u> .....	<u>\$301,649</u>
33	<u>Dram Shop Fund</u> .....	<u>\$110,554</u>
34	<u>Drivers Education Fund</u> .....	<u>\$30,152</u>
35	<u>Drug Rebate Fund</u> .....	<u>\$17,315,821</u>
36	<u>Drug Traffic Prevention Fund</u> .....	<u>\$22,123</u>

1	<u>Drug Treatment Fund.....</u>	<u>\$160,030</u>
2	<u>Drunk and Drugged Driving Prevention Fund.....</u>	<u>\$51,220</u>
3	<u>Drycleaner Environmental Response Trust Fund .....</u>	<u>\$1,137,971</u>
4	<u>DuQuoin State Fair Harness Racing Trust Fund .....</u>	<u>\$3,368</u>
5	<u>Early Intervention Services Revolving Fund .....</u>	<u>\$1,044,935</u>
6	<u>Economic Research and Information Fund .....</u>	<u>\$49,005</u>
7	<u>Educational Labor Relations Board</u>	
8	<u>Fair Share Trust Fund.....</u>	<u>\$40,933</u>
9	<u>Efficiency Initiatives Revolving Fund.....</u>	<u>\$6,178,298</u>
10	<u>Emergency Planning and Training Fund .....</u>	<u>\$28,845</u>
11	<u>Emergency Public Health Fund .....</u>	<u>\$139,997</u>
12	<u>Emergency Response Reimbursement Fund.....</u>	<u>\$15,873</u>
13	<u>EMS Assistance Fund.....</u>	<u>\$40,923</u>
14	<u>Energy Assistance Contribution Fund.....</u>	<u>\$89,692</u>
15	<u>Energy Efficiency Trust Fund .....</u>	<u>\$1,300,938</u>
16	<u>Environmental Laboratory Certification Fund.....</u>	<u>\$62,039</u>
17	<u>Environmental Protection Permit and Inspection Fund..</u>	<u>\$180,571</u>
18	<u>Environmental Protection Trust Fund.....</u>	<u>\$2,228,031</u>
19	<u>EPA Court Trust Fund .....</u>	<u>\$338,646</u>
20	<u>EPA Special State Projects Trust Fund.....</u>	<u>\$284,263</u>
21	<u>Explosives Regulatory Fund .....</u>	<u>\$23,125</u>
22	<u>Facilities Management Revolving Fund .....</u>	<u>\$4,803,971</u>
23	<u>Facility Licensing Fund.....</u>	<u>\$22,958</u>
24	<u>Family Care Fund .....</u>	<u>\$22,585</u>
25	<u>Federal Asset Forfeiture Fund.....</u>	<u>\$1,871</u>
26	<u>Feed Control Fund.....</u>	<u>\$478,234</u>
27	<u>Fertilizer Control Fund.....</u>	<u>\$207,398</u>
28	<u>Financial Institution Fund .....</u>	<u>\$2,448,690</u>
29	<u>Firearm Owner's Notification Fund.....</u>	<u>\$3,960</u>
30	<u>Food and Drug Safety Fund.....</u>	<u>\$421,401</u>
31	<u>General Professions Dedicated Fund .....</u>	<u>\$3,975,808</u>
32	<u>Good Samaritan Energy Trust Fund .....</u>	<u>\$7,191</u>
33	<u>Governor's Grant Fund.....</u>	<u>\$1,592</u>
34	<u>Group Workers' Compensation Pool Insolvency Fund ....</u>	<u>\$136,547</u>
35	<u>Guardianship and Advocacy Fund .....</u>	<u>\$27,289</u>
36	<u>Hazardous Waste Occupational Licensing Fund.....</u>	<u>\$14,939</u>

1	<u>Hazardous Waste Research Fund</u> .....	\$125,209
2	<u>Health Facility Plan Review Fund</u> .....	\$165,972
3	<u>Hearing Instrument Dispenser</u>	
4	<u>Examining and Disciplinary Fund</u> .....	\$102,842
5	<u>Home Inspector Administration Fund</u> .....	\$244,503
6	<u>IEMA State Projects Fund</u> .....	\$13
7	<u>Illinois Beach Marina Fund</u> .....	\$177,801
8	<u>Illinois Capital Revolving Loan Fund</u> .....	\$4,024,106
9	<u>Illinois Clean Water Fund</u> .....	\$1,835,796
10	<u>Illinois Community College Board</u>	
11	<u>Contracts and Grants Fund</u> .....	\$9
12	<u>Illinois Department of Agriculture</u>	
13	<u>Laboratory Services Revolving Fund</u> .....	\$174,795
14	<u>Illinois Equity Fund</u> .....	\$119,193
15	<u>Illinois Executive Mansion Trust Fund</u> .....	\$56,154
16	<u>Illinois Forestry Development Fund</u> .....	\$1,389,096
17	<u>Illinois Future Teacher Corps Scholarship Fund</u> .....	\$4,836
18	<u>Illinois Gaming Law Enforcement Fund</u> .....	\$650,646
19	<u>Illinois Habitat Endowment Trust Fund</u> .....	\$3,641,262
20	<u>Illinois Health Facilities Planning Fund</u> .....	\$23,066
21	<u>Illinois Historic Sites Fund</u> .....	\$134,366
22	<u>Illinois National Guard Armory Construction Fund</u> ....	\$31,469
23	<u>Illinois Rural Rehabilitation Fund</u> .....	\$8,190
24	<u>Illinois School Asbestos Abatement Fund</u> .....	\$183,191
25	<u>Illinois State Fair Fund</u> .....	\$50,176
26	<u>Illinois State Podiatric Disciplinary Fund</u> .....	\$317,239
27	<u>Illinois Student Assistance Commission</u>	
28	<u>Contracts and Grants Fund</u> .....	\$5,589
29	<u>Illinois Tourism Tax Fund</u> .....	\$647,749
30	<u>Illinois Underground Utility Facilities</u>	
31	<u>Damage Prevention Fund</u> .....	\$2,175
32	<u>Illinois Veterans' Rehabilitation Fund</u> .....	\$218,940
33	<u>Industrial Hygiene Regulatory and Enforcement Fund</u> ....	\$3,564
34	<u>Innovations in Long-Term Care</u>	
35	<u>Quality Demonstration Grants Fund</u> .....	\$565,494
36	<u>Insurance Financial Regulation Fund</u> .....	\$800,000

1	<u>ISAC Accounts Receivable Fund.....</u>	<u>\$26,374</u>
2	<u>ISBE GED Testing Fund.....</u>	<u>\$146,196</u>
3	<u>ISBE Teacher Certificate Institute Fund.....</u>	<u>\$122,117</u>
4	<u>J.J. Wolf Memorial for Conservation Investigation Fund</u>	<u>\$8,137</u>
5	<u>Kaskaskia Commons Permanent Fund .....</u>	<u>\$79,813</u>
6	<u>Land Reclamation Fund.....</u>	<u>\$30,582</u>
7	<u>Large Business Attraction Fund .....</u>	<u>\$340,777</u>
8	<u>Lawyers' Assistance Program Fund .....</u>	<u>\$198,207</u>
9	<u>LEADS Maintenance Fund .....</u>	<u>\$76,981</u>
10	<u>Lieutenant Governor's Grant Fund .....</u>	<u>\$188</u>
11	<u>Livestock Management Facilities Fund .....</u>	<u>\$47,800</u>
12	<u>Local Initiative Fund.....</u>	<u>\$1,940,646</u>
13	<u>Local Tourism Fund .....</u>	<u>\$132,876</u>
14	<u>Long Term Care Monitor/Receiver Fund .....</u>	<u>\$427,850</u>
15	<u>Monetary Award Program Reserve Fund.....</u>	<u>\$879,700</u>
16	<u>McCormick Place Expansion Project Fund .....</u>	<u>\$0</u>
17	<u>Medicaid Buy-In Program Revolving Fund .....</u>	<u>\$318,894</u>
18	<u>Medicaid Fraud and Abuse Prevention Fund .....</u>	<u>\$60,306</u>
19	<u>Medical Special Purposes Trust Fund.....</u>	<u>\$930,668</u>
20	<u>Military Affairs Trust Fund.....</u>	<u>\$68,468</u>
21	<u>Motor Carrier Safety Inspection Fund .....</u>	<u>\$147,477</u>
22	<u>Motor Fuel and Petroleum Standards Fund.....</u>	<u>\$19,673</u>
23	<u>Motor Vehicle Review Board Fund.....</u>	<u>\$250,000</u>
24	<u>Motor Vehicle Theft Prevention Trust Fund.....</u>	<u>\$1,415,361</u>
25	<u>Narcotics Profit Forfeiture Fund .....</u>	<u>\$39,379</u>
26	<u>Natural Heritage Endowment Trust Fund.....</u>	<u>\$557,264</u>
27	<u>Natural Heritage Fund.....</u>	<u>\$3,336</u>
28	<u>Natural Resources Information Fund .....</u>	<u>\$64,596</u>
29	<u>Natural Resources Restoration Trust Fund .....</u>	<u>\$63,002</u>
30	<u>Off-Highway Vehicle Trails Fund.....</u>	<u>\$244,815</u>
31	<u>Oil Spill Response Fund.....</u>	<u>\$167,547</u>
32	<u>Paper and Printing Revolving Fund.....</u>	<u>\$48,476</u>
33	<u>Park and Conservation Fund .....</u>	<u>\$3,050,154</u>
34	<u>Pawnbroker Regulation Fund .....</u>	<u>\$94,131</u>
35	<u>Pesticide Control Fund .....</u>	<u>\$420,223</u>
36	<u>Petroleum Resources Revolving Fund .....</u>	<u>\$85,540</u>

1	<u>Police Training Board Services Fund</u> .....	\$1,540
2	<u>Pollution Control Board Fund</u> .....	\$23,004
3	<u>Pollution Control Board Trust Fund</u> .....	\$410,651
4	<u>Post Transplant Maintenance and Retention Fund</u> .....	\$75,100
5	<u>Presidential Library and Museum Operating Fund</u> .....	\$727,250
6	<u>Professional Regulation Evidence Fund</u> .....	\$2,817
7	<u>Professional Services Fund</u> .....	\$46,222
8	<u>Provider Inquiry Trust Fund</u> .....	\$207,098
9	<u>Public Aid Recoveries Trust Fund</u> .....	\$7,610,631
10	<u>Public Health Laboratory Services Revolving Fund</u> ....	\$92,276
11	<u>Public Health Special State Projects Fund</u> .....	\$816,202
12	<u>Public Health Water Permit Fund</u> .....	\$17,624
13	<u>Public Infrastructure Construction</u>	
14	<u>Loan Revolving Fund</u> .....	\$63,802
15	<u>Public Pension Regulation Fund</u> .....	\$222,433
16	<u>Racing Board Fingerprint License Fund</u> .....	\$16,835
17	<u>Radiation Protection Fund</u> .....	\$212,010
18	<u>Real Estate License Administration Fund</u> .....	\$1,500,000
19	<u>Regulatory Evaluation and Basic Enforcement Fund</u> ....	\$64,221
20	<u>Regulatory Fund</u> .....	\$55,246
21	<u>Renewable Energy Resources Trust Fund</u> .....	\$14,033
22	<u>Response Contractors Indemnification Fund</u> .....	\$126
23	<u>Rural/Downstate Health Access Fund</u> .....	\$4,644
24	<u>Savings and Residential Finance Regulatory Fund</u> ....	\$5,200,000
25	<u>School District Emergency Financial Assistance Fund</u>	\$2,130,848
26	<u>School Technology Revolving Loan Fund</u> .....	\$19,158
27	<u>Second Injury Fund</u> .....	\$151,493
28	<u>Secretary of State Interagency Grant Fund</u> .....	\$40,900
29	<u>Secretary of State Special License Plate Fund</u> .....	\$520,200
30	<u>Secretary of State Special Services Fund</u> .....	\$2,500,000
31	<u>Securities Audit and Enforcement Fund</u> .....	\$3,400,000
32	<u>Securities Investors Education Fund</u> .....	\$100,000
33	<u>Self-Insurers Administration Fund</u> .....	\$286,964
34	<u>Sex Offender Registration Fund</u> .....	\$7,647
35	<u>Sexual Assault Services Fund</u> .....	\$12,210
36	<u>Small Business Environmental Assistance Fund</u> .....	\$13,686

1	<u>Snowmobile Trail Establishment Fund.....</u>	<u>\$3,124</u>
2	<u>Solid Waste Management Fund.....</u>	<u>\$6,587,173</u>
3	<u>Sports Facilities Tax Trust Fund .....</u>	<u>\$1,112,590</u>
4	<u>State Appellate Defender Special State Projects Fund</u>	<u>\$23,820</u>
5	<u>State Asset Forfeiture Fund.....</u>	<u>\$71,988</u>
6	<u>State Boating Act Fund .....</u>	<u>\$401,824</u>
7	<u>State College and University Trust Fund.....</u>	<u>\$139,439</u>
8	<u>State Crime Laboratory Fund.....</u>	<u>\$44,965</u>
9	<u>State Fair Promotional Activities Fund .....</u>	<u>\$8,734</u>
10	<u>State Garage Revolving Fund.....</u>	<u>\$639,662</u>
11	<u>State Offender DNA Identification System Fund.....</u>	<u>\$81,740</u>
12	<u>State Off-Set Claims Fund.....</u>	<u>\$1,487,926</u>
13	<u>State Parks Fund .....</u>	<u>\$1,045,889</u>
14	<u>State Police Motor Vehicle Theft Prevention Fund ....</u>	<u>\$164,843</u>
15	<u>State Police Vehicle Fund.....</u>	<u>\$22,899</u>
16	<u>State Police Whistleblower Reward and Protection Fund</u>	<u>\$199,699</u>
17	<u>State Rail Freight Loan Repayment Fund .....</u>	<u>\$1,147,727</u>
18	<u>State Surplus Property Revolving Fund.....</u>	<u>\$388,284</u>
19	<u>State Whistleblower Reward and Protection Fund .....</u>	<u>\$1,592</u>
20	<u>State's Attorneys Appellate Prosecutor's County Fund</u>	<u>\$70,101</u>
21	<u>Statewide Grand Jury Prosecution Fund.....</u>	<u>\$7,645</u>
22	<u>Statistical Services Revolving Fund.....</u>	<u>\$4,847,783</u>
23	<u>Subtitle D Management Fund .....</u>	<u>\$169,744</u>
24	<u>Tanning Facility Permit Fund .....</u>	<u>\$64,571</u>
25	<u>Tax Compliance and Administration Fund .....</u>	<u>\$429,377</u>
26	<u>Tax Recovery Fund.....</u>	<u>\$113,591</u>
27	<u>Teacher Certificate Fee Revolving Fund .....</u>	<u>\$982,399</u>
28	<u>Toxic Pollution Prevention Fund.....</u>	<u>\$28,534</u>
29	<u>Underground Resources Conservation Enforcement Fund..</u>	<u>\$294,251</u>
30	<u>University Grant Fund.....</u>	<u>\$23,881</u>
31	<u>Used Tire Management Fund.....</u>	<u>\$1,918,500</u>
32	<u>Watershed Park Fund.....</u>	<u>\$19,786</u>
33	<u>Weights and Measures Fund.....</u>	<u>\$1,078,121</u>
34	<u>Workers' Compensation Benefit Trust Fund .....</u>	<u>\$266,574</u>
35	<u>Workers' Compensation Revolving Fund .....</u>	<u>\$520,285</u>
36	<u>Working Capital Revolving Fund .....</u>	<u>\$1,404,868</u>

1 Youth Alcoholism and Substance Abuse Prevention Fund \$29,995  
 2 Youth Drug Abuse Prevention Fund ..... \$4,091

3 All of these transfers shall be made in equal quarterly  
 4 installments with the first made on the effective date of this  
 5 amendatory Act of the 94th General Assembly, or as soon  
 6 thereafter as practical, and with the remaining transfers to be  
 7 made on October 1, January 1, and April 1, or as soon  
 8 thereafter as practical. These transfers shall be made  
 9 notwithstanding any other provision of State law to the  
 10 contrary.

11 (b) On and after the effective date of this amendatory Act  
 12 of the 94th General Assembly through June 30, 2006, when any of  
 13 the funds listed in subsection (a) have insufficient cash from  
 14 which the State Comptroller may make expenditures properly  
 15 supported by appropriations from the fund, then the State  
 16 Treasurer and State Comptroller shall transfer from the General  
 17 Revenue Fund to the fund only such amount as is immediately  
 18 necessary to satisfy outstanding expenditure obligations on a  
 19 timely basis, subject to the provisions of the State Prompt  
 20 Payment Act. Any amounts transferred from the General Revenue  
 21 Fund to a fund pursuant to this subsection (b) from time to  
 22 time shall be re-transferred by the State Comptroller and the  
 23 State Treasurer from the receiving fund into the General  
 24 Revenue Fund as soon as and to the extent that deposits are  
 25 made into or receipts are collected by the receiving fund. In  
 26 all events, the full amounts of all transfers from the General  
 27 Revenue Fund to receiving funds shall be re-transferred to the  
 28 General Revenue Fund no later than June 30, 2006.

29 (c) Notwithstanding any other provision of law, on July 1,  
 30 2005, or as soon thereafter as may be practical, the State  
 31 Comptroller and the State Treasurer shall transfer \$5,000,000  
 32 from the Communications Revolving Fund to the Hospital Basic  
 33 Services Prevention Fund.

1 Section 85-5. The State Finance Act is amended by changing  
2 Section 8h as follows:

3 (30 ILCS 105/8h)

4 Sec. 8h. Transfers to General Revenue Fund.

5 (a) Except as provided in subsection (b), notwithstanding  
6 any other State law to the contrary, the Governor may, through  
7 June 30, 2007, from time to time direct the State Treasurer and  
8 Comptroller to transfer a specified sum from any fund held by  
9 the State Treasurer to the General Revenue Fund in order to  
10 help defray the State's operating costs for the fiscal year.  
11 The total transfer under this Section from any fund in any  
12 fiscal year shall not exceed the lesser of (i) 8% of the  
13 revenues to be deposited into the fund during that fiscal year  
14 or (ii) an amount that leaves a remaining fund balance of 25%  
15 of the July 1 fund balance of that fiscal year. In fiscal year  
16 2005 only, prior to calculating the July 1, 2004 final  
17 balances, the Governor may calculate and direct the State  
18 Treasurer with the Comptroller to transfer additional amounts  
19 determined by applying the formula authorized in Public Act  
20 93-839 to the funds balances on July 1, 2003. No transfer may  
21 be made from a fund under this Section that would have the  
22 effect of reducing the available balance in the fund to an  
23 amount less than the amount remaining unexpended and unreserved  
24 from the total appropriation from that fund estimated to be  
25 expended for that fiscal year. This Section does not apply to  
26 any funds that are restricted by federal law to a specific use,  
27 to any funds in the Motor Fuel Tax Fund, the Hospital Provider  
28 Fund, the Medicaid Provider Relief Fund, ~~or~~ the Reviewing Court  
29 Alternative Dispute Resolution Fund, the Foreign Language  
30 Interpreter Fund, the Lawyers' Assistance Program Fund, the  
31 Supreme Court Federal Projects Fund, the Supreme Court Special  
32 State Projects Fund, or the Low-Level Radioactive Waste  
33 Facility Development and Operation Fund, or to any funds to  
34 which subsection (f) of Section 20-40 of the Nursing and  
35 Advanced Practice Nursing Act applies. Notwithstanding any

1 other provision of this Section, for fiscal year 2004, the  
2 total transfer under this Section from the Road Fund or the  
3 State Construction Account Fund shall not exceed the lesser of  
4 (i) 5% of the revenues to be deposited into the fund during  
5 that fiscal year or (ii) 25% of the beginning balance in the  
6 fund. For fiscal year 2005 through fiscal year 2007, no amounts  
7 may be transferred under this Section from the Road Fund, the  
8 State Construction Account Fund, the Criminal Justice  
9 Information Systems Trust Fund, the Wireless Service Emergency  
10 Fund, or the Mandatory Arbitration Fund.

11 In determining the available balance in a fund, the  
12 Governor may include receipts, transfers into the fund, and  
13 other resources anticipated to be available in the fund in that  
14 fiscal year.

15 The State Treasurer and Comptroller shall transfer the  
16 amounts designated under this Section as soon as may be  
17 practicable after receiving the direction to transfer from the  
18 Governor.

19 (b) This Section does not apply to any fund established  
20 under the Community Senior Services and Resources Act.

21 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
22 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
23 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.  
24 1-15-05.)

25 Section 85-10. The Low-Level Radioactive Waste Management  
26 Act is amended by changing Section 13 as follows:

27 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

28 Sec. 13. Waste fees.

29 (a) The Department shall collect a fee from each generator  
30 of low-level radioactive wastes in this State. Except as  
31 provided in subsections (b), (c), and (d), the amount of the  
32 fee shall be \$50.00 or the following amount, whichever is  
33 greater:

34 (1) \$1 per cubic foot of waste shipped for storage,

1 treatment or disposal if storage of the waste for shipment  
2 occurred prior to September 7, 1984;

3 (2) \$2 per cubic foot of waste stored for shipment if  
4 storage of the waste occurs on or after September 7, 1984,  
5 but prior to October 1, 1985;

6 (3) \$3 per cubic foot of waste stored for shipment if  
7 storage of the waste occurs on or after October 1, 1985;

8 (4) \$2 per cubic foot of waste shipped for storage,  
9 treatment or disposal if storage of the waste for shipment  
10 occurs on or after September 7, 1984 but prior to October  
11 1, 1985, provided that no fee has been collected previously  
12 for storage of the waste;

13 (5) \$3 per cubic foot of waste shipped for storage,  
14 treatment or disposal if storage of the waste for shipment  
15 occurs on or after October 1, 1985, provided that no fees  
16 have been collected previously for storage of the waste.

17 Such fees shall be collected annually or as determined by  
18 the Department and shall be deposited in the low-level  
19 radioactive waste funds as provided in Section 14 of this Act.  
20 Notwithstanding any other provision of this Act, no fee under  
21 this Section shall be collected from a generator for waste  
22 generated incident to manufacturing before December 31, 1980,  
23 and shipped for disposal outside of this State before December  
24 31, 1992, as part of a site reclamation leading to license  
25 termination.

26 (b) Each nuclear power reactor in this State for which an  
27 operating license has been issued by the Nuclear Regulatory  
28 Commission shall not be subject to the fee required by  
29 subsection (a) with respect to (1) waste stored for shipment if  
30 storage of the waste occurs on or after January 1, 1986; and  
31 (2) waste shipped for storage, treatment or disposal if storage  
32 of the waste for shipment occurs on or after January 1, 1986.  
33 In lieu of the fee, each reactor shall be required to pay an  
34 annual fee as provided in this subsection for the treatment,  
35 storage and disposal of low-level radioactive waste. Beginning  
36 with State fiscal year 1986 and through State fiscal year 1997,

1 fees shall be due and payable on January 1st of each year. For  
2 State fiscal year 1998 and all subsequent State fiscal years,  
3 fees shall be due and payable on July 1 of each fiscal year.  
4 The fee due on July 1, 1997 shall be payable on that date, or  
5 within 10 days after the effective date of this amendatory Act  
6 of 1997, whichever is later.

7 The owner of any nuclear power reactor that has an  
8 operating license issued by the Nuclear Regulatory Commission  
9 for any portion of State fiscal year 1998 shall continue to pay  
10 an annual fee of \$90,000 for the treatment, storage, and  
11 disposal of low-level radioactive waste through State fiscal  
12 year 2002. The fee shall be due and payable on July 1 of each  
13 fiscal year. The fee due on July 1, 1998 shall be payable on  
14 that date, or within 10 days after the effective date of this  
15 amendatory Act of 1998, whichever is later. If the balance in  
16 the Low-Level Radioactive Waste Facility Development and  
17 Operation Fund falls below \$500,000, as of the end of any  
18 fiscal year after fiscal year 2002, the Department is  
19 authorized to assess by rule, after notice and a hearing, an  
20 additional annual fee to be paid by the owners of nuclear power  
21 reactors for which operating licenses have been issued by the  
22 Nuclear Regulatory Commission, except that no additional  
23 annual fee shall be assessed because of the fund balance at the  
24 end of fiscal year 2005 or the end of fiscal year 2006. The  
25 additional annual fee shall be payable on the date or dates  
26 specified by rule and shall not exceed \$30,000 per operating  
27 reactor per year.

28 (c) In each of State fiscal years 1988, 1989 and 1990, in  
29 addition to the fee imposed in subsections (b) and (d), the  
30 owner of each nuclear power reactor in this State for which an  
31 operating license has been issued by the Nuclear Regulatory  
32 Commission shall pay a fee of \$408,000. If an operating license  
33 is issued during one of those 3 fiscal years, the owner shall  
34 pay a prorated amount of the fee equal to \$1,117.80 multiplied  
35 by the number of days in the fiscal year during which the  
36 nuclear power reactor was licensed.

1           The fee shall be due and payable as follows: in fiscal year  
2 1988, \$204,000 shall be paid on October 1, 1987 and \$102,000  
3 shall be paid on each of January 1, 1988 and April 1, 1988; in  
4 fiscal year 1989, \$102,000 shall be paid on each of July 1,  
5 1988, October 1, 1988, January 1, 1989 and April 1, 1989; and  
6 in fiscal year 1990, \$102,000 shall be paid on each of July 1,  
7 1989, October 1, 1989, January 1, 1990 and April 1, 1990. If  
8 the operating license is issued during one of the 3 fiscal  
9 years, the owner shall be subject to those payment dates, and  
10 their corresponding amounts, on which the owner possesses an  
11 operating license and, on June 30 of the fiscal year of  
12 issuance of the license, whatever amount of the prorated fee  
13 remains outstanding.

14           All of the amounts collected by the Department under this  
15 subsection (c) shall be deposited into the Low-Level  
16 Radioactive Waste Facility Development and Operation Fund  
17 created under subsection (a) of Section 14 of this Act and  
18 expended, subject to appropriation, for the purposes provided  
19 in that subsection.

20           (d) In addition to the fees imposed in subsections (b) and  
21 (c), the owners of nuclear power reactors in this State for  
22 which operating licenses have been issued by the Nuclear  
23 Regulatory Commission shall pay the following fees for each  
24 such nuclear power reactor: for State fiscal year 1989,  
25 \$325,000 payable on October 1, 1988, \$162,500 payable on  
26 January 1, 1989, and \$162,500 payable on April 1, 1989; for  
27 State fiscal year 1990, \$162,500 payable on July 1, \$300,000  
28 payable on October 1, \$300,000 payable on January 1 and  
29 \$300,000 payable on April 1; for State fiscal year 1991, either  
30 (1) \$150,000 payable on July 1, \$650,000 payable on September  
31 1, \$675,000 payable on January 1, and \$275,000 payable on April  
32 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each  
33 month from August through December, \$225,000 on the first day  
34 of each month from January through March and \$92,000 on the  
35 first day of each month from April through June; for State  
36 fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable

1 on September 1, \$300,000 payable on October 1, \$150,000 payable  
2 on January 1, and \$100,000 payable on April 1; for State fiscal  
3 year 1993, \$100,000 payable on July 1, \$230,000 payable on  
4 August 1 or within 10 days after July 31, 1992, whichever is  
5 later, and \$355,000 payable on October 1; for State fiscal year  
6 1994, \$100,000 payable on July 1, \$75,000 payable on October 1  
7 and \$75,000 payable on April 1; for State fiscal year 1995,  
8 \$100,000 payable on July 1, \$75,000 payable on October 1, and  
9 \$75,000 payable on April 1, for State fiscal year 1996,  
10 \$100,000 payable on July 1, \$75,000 payable on October 1, and  
11 \$75,000 payable on April 1. The owner of any nuclear power  
12 reactor that has an operating license issued by the Nuclear  
13 Regulatory Commission for any portion of State fiscal year 1998  
14 shall pay an annual fee of \$30,000 through State fiscal year  
15 2003. For State fiscal year 2004 and subsequent fiscal years,  
16 the owner of any nuclear power reactor that has an operating  
17 license issued by the Nuclear Regulatory Commission shall pay  
18 an annual fee of \$30,000 per reactor, provided that the fee  
19 shall not apply to a nuclear power reactor with regard to which  
20 the owner notified the Nuclear Regulatory Commission during  
21 State fiscal year 1998 that the nuclear power reactor  
22 permanently ceased operations. The fee shall be due and payable  
23 on July 1 of each fiscal year. The fee due on July 1, 1998 shall  
24 be payable on that date, or within 10 days after the effective  
25 date of this amendatory Act of 1998, whichever is later. The  
26 fee due on July 1, 1997 shall be payable on that date or within  
27 10 days after the effective date of this amendatory Act of  
28 1997, whichever is later. If the payments under this subsection  
29 for fiscal year 1993 due on January 1, 1993, or on April 1,  
30 1993, or both, were due before the effective date of this  
31 amendatory Act of the 87th General Assembly, then those  
32 payments are waived and need not be made.

33 All of the amounts collected by the Department under this  
34 subsection (d) shall be deposited into the Low-Level  
35 Radioactive Waste Facility Development and Operation Fund  
36 created pursuant to subsection (a) of Section 14 of this Act

1 and expended, subject to appropriation, for the purposes  
2 provided in that subsection.

3 All payments made by licensees under this subsection (d)  
4 for fiscal year 1992 that are not appropriated and obligated by  
5 the Department above \$1,750,000 per reactor in fiscal year  
6 1992, shall be credited to the licensees making the payments to  
7 reduce the per reactor fees required under this subsection (d)  
8 for fiscal year 1993.

9 (e) The Department shall promulgate rules and regulations  
10 establishing standards for the collection of the fees  
11 authorized by this Section. The regulations shall include, but  
12 need not be limited to:

13 (1) the records necessary to identify the amounts of  
14 low-level radioactive wastes produced;

15 (2) the form and submission of reports to accompany the  
16 payment of fees to the Department; and

17 (3) the time and manner of payment of fees to the  
18 Department, which payments shall not be more frequent than  
19 quarterly.

20 (f) Any operating agreement entered into under subsection  
21 (b) of Section 5 of this Act between the Department and any  
22 disposal facility contractor shall, subject to the provisions  
23 of this Act, authorize the contractor to impose upon and  
24 collect from persons using the disposal facility fees designed  
25 and set at levels reasonably calculated to produce sufficient  
26 revenues (1) to pay all costs and expenses properly incurred or  
27 accrued in connection with, and properly allocated to,  
28 performance of the contractor's obligations under the  
29 operating agreement, and (2) to provide reasonable and  
30 appropriate compensation or profit to the contractor under the  
31 operating agreement. For purposes of this subsection (f), the  
32 term "costs and expenses" may include, without limitation, (i)  
33 direct and indirect costs and expenses for labor, services,  
34 equipment, materials, insurance and other risk management  
35 costs, interest and other financing charges, and taxes or fees  
36 in lieu of taxes; (ii) payments to or required by the United

1 States, the State of Illinois or any agency or department  
2 thereof, the Central Midwest Interstate Low-Level Radioactive  
3 Waste Compact, and subject to the provisions of this Act, any  
4 unit of local government; (iii) amortization of capitalized  
5 costs with respect to the disposal facility and its  
6 development, including any capitalized reserves; and (iv)  
7 payments with respect to reserves, accounts, escrows or trust  
8 funds required by law or otherwise provided for under the  
9 operating agreement.

10 (g) (Blank).

11 (h) (Blank).

12 (i) (Blank).

13 (j) (Blank).

14 (j-5) Prior to commencement of facility operations, the  
15 Department shall adopt rules providing for the establishment  
16 and collection of fees and charges with respect to the use of  
17 the disposal facility as provided in subsection (f) of this  
18 Section.

19 (k) The regional disposal facility shall be subject to ad  
20 valorem real estate taxes lawfully imposed by units of local  
21 government and school districts with jurisdiction over the  
22 facility. No other local government tax, surtax, fee or other  
23 charge on activities at the regional disposal facility shall be  
24 allowed except as authorized by the Department.

25 (l) The Department shall have the power, in the event that  
26 acceptance of waste for disposal at the regional disposal  
27 facility is suspended, delayed or interrupted, to impose  
28 emergency fees on the generators of low-level radioactive  
29 waste. Generators shall pay emergency fees within 30 days of  
30 receipt of notice of the emergency fees. The Department shall  
31 deposit all of the receipts of any fees collected under this  
32 subsection into the Low-Level Radioactive Waste Facility  
33 Development and Operation Fund created under subsection (b) of  
34 Section 14. Emergency fees may be used to mitigate the impacts  
35 of the suspension or interruption of acceptance of waste for  
36 disposal. The requirements for rulemaking in the Illinois

1 Administrative Procedure Act shall not apply to the imposition  
2 of emergency fees under this subsection.

3 (m) The Department shall promulgate any other rules and  
4 regulations as may be necessary to implement this Section.

5 (Source: P.A. 92-276, eff. 8-7-01; 93-839, eff. 7-30-04.)

6 ARTICLE 90

7 Section 90-5. The Department of Commerce and Economic  
8 Opportunity Law of the Civil Administrative Code of Illinois is  
9 amended by changing Section 605-707 as follows:

10 (20 ILCS 605/605-707) (was 20 ILCS 605/46.6d)

11 Sec. 605-707. International Tourism Program.

12 (a) The Department of Commerce and Economic Opportunity  
13 ~~Community Affairs~~ must establish a program for international  
14 tourism. The Department shall develop and implement the program  
15 on January 1, 2000 by rule. As part of the program, the  
16 Department may work in cooperation with local convention and  
17 tourism bureaus in Illinois in the coordination of  
18 international tourism efforts at the State and local level. The  
19 Department may (i) work in cooperation with local convention  
20 and tourism bureaus for efficient use of their international  
21 tourism marketing resources, (ii) promote Illinois in  
22 international meetings and tourism markets, (iii) work with  
23 convention and tourism bureaus throughout the State to increase  
24 the number of international tourists to Illinois, (iv) provide  
25 training, research, technical support, and grants to certified  
26 convention and tourism bureaus, (v) provide staff,  
27 administration, and related support required to manage the  
28 programs under this Section, and (vi) provide grants for the  
29 development of or the enhancement of international tourism  
30 attractions.

31 (b) The Department shall make grants for expenses related  
32 to international tourism and pay for the staffing,  
33 administration, and related support from the International

1 Tourism Fund, a special fund created in the State Treasury. Of  
2 the amounts deposited into the Fund in fiscal year 2000 after  
3 January 1, 2000, 55% shall be used for grants to convention and  
4 tourism bureaus in Chicago (other than the City of Chicago's  
5 Office of Tourism) and 45% shall be used for development of  
6 international tourism in areas outside of Chicago. Of the  
7 amounts deposited into the Fund in fiscal year 2001 and  
8 thereafter, 55% shall be used for grants to convention and  
9 tourism bureaus in Chicago, and of that amount not less than  
10 27.5% shall be used for grants to convention and tourism  
11 bureaus in Chicago other than the City of Chicago's Office of  
12 Tourism, and 45% shall be used for administrative expenses and  
13 grants authorized under this Section and development of  
14 international tourism in areas outside of Chicago, of which not  
15 less than \$1,000,000 shall be used annually to make grants to  
16 convention and tourism bureaus in cities other than Chicago  
17 that demonstrate their international tourism appeal and  
18 request to develop or expand their international tourism  
19 marketing program, and may also be used to provide grants under  
20 item (vi) of subsection (a) of this Section. Amounts  
21 appropriated to the State Comptroller for administrative  
22 expenses and grants authorized by the Illinois Global  
23 Partnership Act are payable from the International Tourism  
24 Fund.

25 (c) A convention and tourism bureau is eligible to receive  
26 grant moneys under this Section if the bureau is certified to  
27 receive funds under Title 14 of the Illinois Administrative  
28 Code, Section 550.35. To be eligible for a grant, a convention  
29 and tourism bureau must provide matching funds equal to the  
30 grant amount. In certain circumstances as determined by the  
31 Director of Commerce and Economic Opportunity Community  
32 Affairs, however, the City of Chicago's Office of Tourism or  
33 any other convention and tourism bureau may provide matching  
34 funds equal to no less than 50% of the grant amount to be  
35 eligible to receive the grant. One-half of this 50% may be  
36 provided through in-kind contributions. Grants received by the

1 City of Chicago's Office of Tourism and by convention and  
2 tourism bureaus in Chicago may be expended for the general  
3 purposes of promoting conventions and tourism.

4 (Source: P.A. 91-604, eff. 8-16-99; 91-683, eff. 1-26-00;  
5 92-38, eff. 6-28-01; revised 12-6-03.)

6 Section 90-10. The Illinois Horse Racing Act of 1975 is  
7 amended by changing Section 28 as follows:

8 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

9 Sec. 28. Except as provided in subsection (g) of Section 27  
10 of this Act, moneys collected shall be distributed according to  
11 the provisions of this Section 28.

12 (a) Thirty per cent of the total of all monies received by  
13 the State as privilege taxes shall be paid into the  
14 Metropolitan Fair and Exposition Authority Reconstruction Fund  
15 in the State treasury until such Fund contains sufficient money  
16 to pay in full, both principal and interest, all of the  
17 outstanding bonds issued pursuant to the Fair and Exposition  
18 Authority Reconstruction Act, approved July 31, 1967, as  
19 amended, and thereafter shall be paid into the Metropolitan  
20 Exposition Auditorium and Office Building Fund in the State  
21 Treasury.

22 (b) Four and one-half per cent of the total of all monies  
23 received by the State as privilege taxes shall be paid into the  
24 State treasury into a special Fund to be known as the  
25 Metropolitan Exposition, Auditorium, and Office Building Fund.

26 (c) Fifty per cent of the total of all monies received by  
27 the State as privilege taxes under the provisions of this Act  
28 shall be paid into the Agricultural Premium Fund.

29 (d) Seven per cent of the total of all monies received by  
30 the State as privilege taxes shall be paid into the Fair and  
31 Exposition Fund in the State treasury; provided, however, that  
32 when all bonds issued prior to July 1, 1984 by the Metropolitan  
33 Fair and Exposition Authority shall have been paid or payment  
34 shall have been provided for upon a refunding of those bonds,

1 thereafter 1/12 of \$1,665,662 of such monies shall be paid each  
2 month into the Build Illinois Fund, and the remainder into the  
3 Fair and Exposition Fund. All excess monies shall be allocated  
4 to the Department of Agriculture for distribution to county  
5 fairs for premiums and rehabilitation as set forth in the  
6 Agricultural Fair Act.

7 (e) The monies provided for in Section 30 shall be paid  
8 into the Illinois Thoroughbred Breeders Fund.

9 (f) The monies provided for in Section 31 shall be paid  
10 into the Illinois Standardbred Breeders Fund.

11 (g) Until January 1, 2000, that part representing 1/2 of  
12 the total breakage in Thoroughbred, Harness, Appaloosa,  
13 Arabian, and Quarter Horse racing in the State shall be paid  
14 into the Illinois Race Track Improvement Fund as established in  
15 Section 32.

16 (h) All other monies received by the Board under this Act  
17 shall be paid into the General Revenue Fund of the State.

18 (i) The salaries of the Board members, secretary, stewards,  
19 directors of mutuels, veterinarians, representatives,  
20 accountants, clerks, stenographers, inspectors and other  
21 employees of the Board, and all expenses of the Board incident  
22 to the administration of this Act, including, but not limited  
23 to, all expenses and salaries incident to the taking of saliva  
24 and urine samples in accordance with the rules and regulations  
25 of the Board shall be paid out of the Agricultural Premium  
26 Fund.

27 (j) The Agricultural Premium Fund shall also be used:

28 (1) for the expenses of operating the Illinois State  
29 Fair and the DuQuoin State Fair, including the payment of  
30 prize money or premiums;

31 (2) for the distribution to county fairs, vocational  
32 agriculture section fairs, agricultural societies, and  
33 agricultural extension clubs in accordance with the  
34 Agricultural Fair Act, as amended;

35 (3) for payment of prize monies and premiums awarded  
36 and for expenses incurred in connection with the

1 International Livestock Exposition and the Mid-Continent  
2 Livestock Exposition held in Illinois, which premiums, and  
3 awards must be approved, and paid by the Illinois  
4 Department of Agriculture;

5 (4) for personal service of county agricultural  
6 advisors and county home advisors;

7 (5) for distribution to agricultural home economic  
8 extension councils in accordance with "An Act in relation  
9 to additional support and finance for the Agricultural and  
10 Home Economic Extension Councils in the several counties in  
11 this State and making an appropriation therefor", approved  
12 July 24, 1967, as amended;

13 (6) for research on equine disease, including a  
14 development center therefor;

15 (7) for training scholarships for study on equine  
16 diseases to students at the University of Illinois College  
17 of Veterinary Medicine;

18 (8) for the rehabilitation, repair and maintenance of  
19 the Illinois and DuQuoin State Fair Grounds and the  
20 structures and facilities thereon and the construction of  
21 permanent improvements on such Fair Grounds, including  
22 such structures, facilities and property located on such  
23 State Fair Grounds which are under the custody and control  
24 of the Department of Agriculture;

25 (9) for the expenses of the Department of Agriculture  
26 under Section 5-530 of the Departments of State Government  
27 Law (20 ILCS 5/5-530);

28 (10) for the expenses of the Department of Commerce and  
29 Economic Opportunity ~~Community Affairs~~ under Sections  
30 605-620, 605-625, and 605-630 of the Department of Commerce  
31 and Economic Opportunity ~~Community Affairs~~ Law (20 ILCS  
32 605/605-620, 605/605-625, and 605/605-630);

33 (11) for remodeling, expanding, and reconstructing  
34 facilities destroyed by fire of any Fair and Exposition  
35 Authority in counties with a population of 1,000,000 or  
36 more inhabitants;

